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ACCCA

ANTHEM COUNTRY CLUB
COMMUNITY ASSOCIATION

Your Country Club Community Homeowners' Association.

**ACCCA FINE POLICY
AND
FINE SCHEDULE**

Last Revised October 27, 2016



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PREFACE

The Anthem Country Club Community Association (ACCCA) Board of Directors (Board) are elected volunteers who represent the homeowners of the Anthem Country Club community. As the ACCCA Board Directors are homeowners in the community, they understand the importance of maintaining the standards our residents have come to expect. The ACCCA Governing Documents, such as the Covenants, Conditions and Restrictions (CC&Rs), Bylaws, Residential Design Guidelines and Policies, outline the standards for use, conduct, maintenance and architecture. They also serve as the tools that the Board, ACCCA Policy Committee and staff use to establish and enforce policies to benefit our community as a whole.

When purchasing in the Anthem Country Club community, Owners agree to take responsibility for compliance with the Governing Documents. The Owners also agree to take responsibility for violations by all occupants of their Lot, invitees, guests and contractors the Owner authorizes to enter the community. The Board and staff trust that all residents will uphold the established standards and take pride in our community. However, should violations occur or be repeated, this Fine Policy and Fine Schedule outline the processes the ACCCA Board and staff will follow, the sanctions they may impose and the appeal process an Owner may follow. With that being said there can never be a "one-size fits all" Fine Policy. Accordingly, nothing in this Fine Policy precludes the Board from exercising, in its sole discretion, any remedy the Board deems appropriate based on the totality of the circumstances.



I. VIOLATION NOTIFICATION

Violation notices will be issued to Owners in the sequence shown in the Notification Table. Violation notices of tenants and/or their guests will be issued to property Owner and a copy issued to the tenant. Violations made by Owner's guests and those contractors without transponders will be issued to the Owner.

NOTIFICATION TABLE

VIOLATION	NOTICE
First Violation	First violation (serves as warning) notice mailed to Owner. Some penalties may apply as specified in Fine Schedule.
Second Violation	Second violation notice mailed to Owner. Penalties imposed as specified in Fine Schedule.
Third Violation	Third violation notice mailed to Owner. Additional penalties imposed as specified in Fine Schedule.
Continuing Violation or Violation not corrected in allowed time.	Additional notice(s) mailed to Owner. Notices will continue and added penalties imposed until the violation is corrected. Continued violation notices may result in Board remedy and/or legal action with costs invoiced to the Owner as a Benefited Assessment.

II. FINES AND SANCTIONS

The [CC&Rs, Section 7.4](#), outlines the ACCCA Board's authority regarding fines and sanctions. The ACCCA impose fines/sanctions against Owners in accordance with the adopted Fine Policy and Schedule. Owners will be fined for violations of guests, tenants and tenant guests. It is the Owner's responsibility to seek restitution from their guests and tenants. Owners have the right to appeal. See Sections IV and V, pgs.9 and 10.

Pursuant to Section 7.4 of the CC&Rs, ACCCA Board sanctions may include and are not limited to the following.

- "Imposing a graduated range of reasonable monetary fines which shall constitute a lien upon the violator's Lot. (See Fine Schedule, page 5).
- Levying Benefited Assessments to cover the costs of bringing a Lot into compliance.
- Suspending an Owner's right to vote.
- Suspending any Person's right to use any Common Area amenities.
- Suspending any services provided by the ACCCA.
- Exercising self-help or taking action to abate any violation of the Governing Documents on a Lot in a nonemergency situation.
- Precluding any contractor, subcontractor, agent, employee or other invitee of an Owner who fails to comply with the terms and provisions of Article IV and the Residential Design Guidelines from continuing or performing any activities on the Properties.
- Bringing suit at law in equity to enjoin any violation or to recover monetary damages or both."



FINE SCHEDULE

See Section III - Violation Summary for additional information.

Note: Unless otherwise noted, on third and continuing notices, transponder deactivation applies.

CATEGORY	FIRST VIOLATION	SECOND VIOLATION	THIRD VIOLATION	CONTINUING VIOLATION	NOTES
Approval Requirement and/or Change to Approved Plan Without Permission	\$0	\$300	\$300	\$300	Owners must have written approval before any work begins and may not make changes to approved plans without permission, p.6. Benefited Assessment applies.
Code of Conduct (Member (Owner)/Board and Committee Member Code of Conduct Policies)	\$0	\$100	\$250	\$250	Third and subsequent violations, fines may be assessed every 15 days until violation is corrected. Transponder deactivation, p.6.
CC&R Violations	\$0	\$25	\$50	\$100	Fines may be assessed every 15 days until violation is corrected.
Desert Area Maintenance or Disturbance	\$0	\$250	\$500	\$500	See page 6. Benefited Assessment applies.
Granite Maintenance	\$0	\$100	\$250	\$500	Fines may be assessed every 15 days until violation corrected.
Mopeds/Gopeds/ Motorized Vehicle Policy	\$0	\$25	\$25	\$25	Deactivate transponder on second and subsequent violations, p. 7.
Parking (Vehicle Parking Policy)	\$0	\$50	\$75	\$150	Fines may be assessed every 15 days until violation is corrected.
Pets and Animals	\$0	\$25	\$50	\$100	Fines may be assessed every 15 days until violation is corrected.
Property Rental - Lease Notification	\$0	\$15	\$15	\$15	Owners must contact ACCCA with lease information, p. 8.
Property Rental - Short Term	\$0	\$750	\$1,000	\$1,500	Lease must be for a minimum of 30 days, p.8.
Residential Design Guidelines - Paint	\$0	\$100	\$250	\$500	Fines may be assessed every 15 days until violation is corrected.
Traffic - All violations and speeding 6 to 10 mph over posted speed limit.	\$0	\$50	\$100	\$150	Deactivate the specific vehicle transponder for seven days for third violation, 14 days for each subsequent violation, p. 8.
Speeding - Excessive - 11 mph or more over posted speed limit.	\$100	\$200	\$300	\$400	Deactivate the specific vehicle transponder for seven days for second violation, 14 days for third violation and 21 days for each subsequent violation, p.8
Unauthorized Gate Entry/Exit	\$150	\$500	\$500	\$500	Benefited Assessments apply. Transponder deactivated until all fines paid in full, p. 8.



III. VIOLATION SUMMARY

Note: Unless otherwise noted, on third and continuing notices, transponder deactivation applies.

APPROVAL REQUIREMENT AND/OR CHANGE TO APPROVED PLAN

Violations of requirements specified in the Residential Design Guidelines (RDGs) include securing written approval from the Lifestyle Enhancement Committee (LEC) for any changes or modifications to the exterior home, yard or Lot as noted in said RDGs before work begins (Apply to Comply). This also includes making changes to a previously submitted and approved Exterior Change Application without LEC permission.

- See [Residential Design Guidelines - Home and Yard/Lot](#) and [Residential Design Guidelines - Paint](#).
- Fines will be assessed in accordance with the Fine Schedule.
- Construction on projects in progress must stop immediately.
- Exterior Change Application must be submitted to the LEC and approved prior to commencement of changes.
- Correcting the home and/or Lot will be at the Owner's expense.
- Benefited Assessments to recover costs apply (CC&Rs).

CODES OF CONDUCT: OWNER, BOARD AND COMMITTEE MEMBERS

Violations of the ACCCA Code of Conduct Policies. Includes Owners, Board or Committee members, staff, tenants, guests, invitees.

- See [Code of Conduct Policies for Members \(Owners\), Board and Committee Members](#).
- Fines will be assessed in accordance with Fine Schedule.
- Fines may be assessed every 15 days until compliance achieved.
- Transponders may be deactivated for 30 days on third and continuing offenses in 12 months. For Board or Committee Member Code of conduct violations, there will be an escalation of fines for repeat violations as shown for Member Code violations, letters of reprimand, temporary suspension or removal of a Committee member and removal proceedings under Arizona law. See Fine Schedule.

COVENANTS, CONDITIONS AND RESTRICTIONS (CC&Rs)

Violations of the CC&Rs, including Initial Use Restrictions.

- See [CC&Rs](#).
- Fines will be assessed in accordance with the Fine Schedule.
- Fines may be assessed every 15 days until compliance achieved.
- On third and continuing notices, transponder deactivation applies.

DESERT AREA MAINTENANCE OR DISTURBANCE

The areas outside each Owner's property are not to be disturbed or destroyed. Desert area maintenance and vegetation clearing on any property outside Owner property fence lines is prohibited.

- See [Desert Area Maintenance Policy](#). Desert area violations include, but are not limited to, the following.
 - Driving unauthorized vehicles, including off-road vehicles, cycles, etc. in the desert.
 - Dumping soil, trash, ashes, refuse, waste, bio-solids or any other material.
 - Introducing non-native or exotic plant or animal species.
 - Removing, destroying or cutting trees, shrubs or other vegetation.
- The ACCCA will impose fines, Benefited Assessment and restoration costs against Owners in accordance with the Fine Schedule.
- For a first violation the cost to restore the disturbed area to its condition prior to the violation will be assessed in addition to the fine assessed against the Owner.
- For subsequent violations of this Policy, both fines and restoration costs will be assessed against the Owner.



GRANITE MAINTENANCE

Violations of requirements for granite maintenance as noted in the Residential Design Guidelines - Home and Yard/Lot.

- See [Residential Design Guidelines - Home and Yard/Lot](#).
- Fines will be assessed in accordance with the Fine Schedule.
- Fines may be assessed every 15 days until compliance achieved.

MOPEDS/GOPEDS/MOTORIZED VEHICLES POLICY

Violations of Mopeds/GoPeds/Motorized Vehicles Policy that restricts operating on sidewalks, common areas and private property; operating on Anthem Country Club right-of-ways after sunset; and operating under age or knowingly allowing an underage child to operate a motorized vehicle.

- See [Mopeds/GoPeds \(Motorized Vehicles\) Policy](#).
- Fines will be assessed in accordance with the Fine Schedule.
- Transponders will be deactivated for 30 days on second and subsequent violations.

PARKING

Violations of parking restrictions in the Vehicle Parking Policy which includes residential vehicles, commercial vehicles, home-based commercial vehicles and recreational vehicles; i.e. all vehicles at all times. For safety, security and aesthetic purposes, the ACCCA recommends and prefers that all vehicles be parked in the garage(s) with the garage door(s) down at all times when not in use and parked on the right side of the road, facing in the traffic direction.

- See [Vehicle Parking Policy](#).
- No vehicle shall be parked as noted.
 - On any portion of the Properties other than areas designated by the ACCCA.
 - In a manner which blocks pedestrians' ability to walk on sidewalks.
 - Within 15 feet of a fire hydrant.
 - Overnight on any street or other portion of the Properties. See [Vehicle Parking Policy](#) for the overnight parking permit process.
- Commercial vehicle parking. See [Vehicle Parking Policy](#).
- Home-based commercial vehicle parking. See [Vehicle Parking Policy](#).
- Recreational vehicle parking. See [Vehicle Parking Policy](#).
- Other vehicles must be parked in enclosed garages at all times. "Other vehicles: Any off-road vehicle, boat, watercraft, or oversized motorized vehicle; including large trucks and tractor-trailers; inoperable vehicles; unlicensed vehicles; and stored vehicles." See [Vehicle Parking Policy](#).
- Fines will be assessed in accordance with the Fine Schedule.
- For continuing violations, fines may be assessed every 15 days until compliance achieved.

PETS AND ANIMALS

Violations of the CC&Rs Section 3.4 (c) and CC&Rs Use Restrictions paragraphs (b) and (j).

- See [CC&Rs Section 3.4 \(c\) and CC&Rs Use Restrictions paragraphs \(b\) and \(j\)](#).
- Violations include, but are not limited to, the following.
 - Housing an unreasonable number of pets.
 - Pets roaming free.
 - Failure to remove pet waste.
 - Barking constituting a nuisance that disturbs the peace, quiet or serenity of Owners or occupants of other Lots.
 - Infractions of Maricopa County Animal Control Ordinance P-13 requiring licenses, rabies vaccinations and six-foot leash limits.
- Fines will be assessed in accordance with the Fine Schedule.
- For continuing violations, fines may be assessed every 15 days until compliance achieved.



PROPERTY RENTAL (Short-Term Lease and Lease Notification)

Violations of requirements in the Property Rental Policy. Note, any lease must be for a minimum of 30 days and Owners must provide information to the ACCCA on tenants within ten days of executing leases. Leases for fewer than 30 days are not permitted in the Anthem Country Club community.

- See [Property Rental Policy](#).
- Fines will be assessed in accordance with the Fine Schedule.

RESIDENTIAL DESIGN GUIDELINES - PAINT

Violations of requirements specified in the Residential Design Guidelines - Paint includes homes, return walls and decorative walls that show wear, fading, streaking or patchy appearance. Includes securing prior written approval from the Lifestyle Enhancement Committee as specified in said Guidelines. Failure to secure approval will result in fines, see Prior Approval Violation, page 7.

- See [Residential Design Guidelines - Paint](#).
- Fines will be assessed in accordance with the Fine Schedule.
- Fines may be assessed every 15 days until compliance achieved.

TRAFFIC

Violations of the Traffic Control Policy. Pertains to all vehicles including, but not limited to, automobiles, motorcycles, recreational vehicles and golf carts. Speed limits are enforced and monitored by a third-party service provider using the latest monitoring equipment. Violations are captured with corresponding date and time stamp information. These records are available for review by the Owner or contractor.

- See [Traffic Control Policy](#).
- Fines will be assessed in accordance with the Fine Schedule.
- Traffic Violations and Speeding 6 to 10 mph over posted speed limit: For the third traffic violation and speeding 6 to 10 mph over the posted speed limit, the transponder for the specific vehicle will be deactivated for seven days. For continuing traffic violations and speeding 6 to 10 mph over the posted speed limit, the transponder for the specific vehicle will be deactivated for 14 days for each subsequent violation.
- Excessive Speed (11 mph or more over posted speed limit): Excessive speed and repeat violations are subject to transponder deactivation. For second excessive speed violation, the transponder for the specific vehicle will be deactivated for seven days. For third excessive speed violation the transponder for the specific vehicle will be deactivated for 14 days. For each subsequent excessive speed violation, the transponder for the specific vehicle will be deactivated for 21 days.
- Owners are responsible for violations by occupants of their Lots, including invitees, guests and tenants. It is the Owner's role to obtain restitution from tenants and guests.

UNAUTHORIZED GATE ENTRY AND EXIT

Violations of ACCCA Vehicle Gate Entry and Exit Policy requirements noting all entry gates, manned or unmanned, allow only one vehicle per gate cycle and that no vehicle may enter the ACCCA through any exit gate. The requirement applies to all entrants.

- See [Vehicle Gate Entry and Exit Policy](#).
- Fines will be assessed in accordance with the Fine Schedule.
- Benefited Assessment to recover the costs of restoring damage caused by unauthorized entry or exit apply.
- The transponder of the specific vehicle will be deactivated until all fines are paid in full and permitted legal action complete.



IV. PAYMENT OF FINES AND BENEFITED ASSESSMENTS

FINE DUE DATE

- Assessed fines and Benefited Assessments must be paid within 30 days from the date of the violation notice unless the fine is in the appeal process. Assessments not paid within 30 days will be turned over to a collection agency for collection and may be reported to applicable Credit Bureaus.
- Failure to pay the fines may result in the deactivation of gate access transponders until the assessments are paid in full.
- Fines and Benefited Assessments are subject to late charges, interest, reasonable attorney fees and applicable collection costs.
- Owners and registered contractors will be charged the current transponder activation fee to reactivate the transponder.
- If a violation continues without resolution after 60 days from the date of the first written notice, the Owner will be notified that failure to resolve the violation will result in the pursuit of all legal and other remedies outlined in this Fine Policy.

COLLECTION MEANS

- Assessed fines and Benefited Assessments are collectable in the same manner as all other assessments, including personal money judgments.
- Assessed fines and Benefited Assessments must be paid to the ACCCA and mailed to the ACCCA address shown on the Violation Notice (3701 W. Anthem Way, Suite 201).
- Fines and Benefited Assessments will be posted to an Owner's ACCCA account on the following schedule.

APPEAL

- If an Owner does not file an appeal of a violation to the Committee within 15 days of the date of the violation notice, assessments will be posted and must be paid within 30 days of the date of the initial violation notice.
- If an Owner files an appeal of a violation to the Committee within 15 days of the date of the violation notice and that appeal is denied by the Committee, then payment of the assessments is due in accordance with the following.
 - If an Owner does not appeal the Committee's decision to the Board within 15 days after the date of the Committee's written denial, assessments will be posted and must be paid no later than 30 days from the date of the Committee's written denial.
 - If an Owner does file an appeal to the Board within 15 days after the date of the Committee's written denial, and the Board denies the appeal, the assessments will be posted and must be paid not later than 30 days from the date of the Board's written denial.
- The Policy Committee will hear appeals of the violations and penalties outlined in the Fine Policy and Schedule. See next page for Appeal Process.



V. APPEAL PROCESS

The ACCCA Bylaws Section 3.25 provide the process for Owners to appeal any sanction and/or fine imposed by the ACCCA. Owners violating one of the community standards have the right to a hearing before the ACCCA Policy Committee. The Policy Committee, sitting as the Deed Restriction Enforcement Committee, will hear appeals of the violations and penalties outlined in this Fine Policy that are imposed on Owners and contractors with transponders in the Gate Entry process for vendors/contractors. See the [Gate Entry](#) section of [OnlineAtAnthem.com/ACCCA](#). See [Bylaws, Section 3.25](#).

- STEP 1.** The Owner must file a written notice of appeal using the Violation Appeal form within 15 days after the date of the Violation Notice requesting cancellation of the violation and/or the penalties. The [Violation Appeal Form](#) found on page 12 of this document also may be downloaded from the ACCCA website at [OnlineAtAnthem.com/ACCCA](#). An appeal that does not meet the noted requirements will be returned for completion and resubmission. The appeal must include the following:
- A full description of the circumstances that caused the violation.
 - All relevant backup information to support the reasons for the appeal.
 - Corrective action the Owner has taken or plans to take to correct the violation.
- STEP 2.** The ACCCA will give the Owner written notice that a hearing on the appeal is scheduled and that the Owner or a representative may attend and be given the opportunity to be heard by the Committee.
- STEP 3.** A Hearing Procedure will be held according to the following process:
- The Committee will hear the appeal in executive session.
 - The Committee chair will introduce all parties.
 - The Owner or representative, if present, will be asked to state the case and present any applicable documentation.
 - Each member of the Committee will have the opportunity to ask the Owner or representative, if present, specific questions regarding the appeal. Lengthy discussions are not a part of an appeal process.
 - Upon completion of the question and answer period, the Committee chair will state the appeal has been heard. The Committee will make its decision in closed session. The Committee, in its considered judgment, may confirm or cancel the violation and confirm, reduce or cancel the penalties imposed.
 - Written notice of the Committee's decision will be delivered to the Owner within seven working days.
- STEP 4.** Appeal of Committee Decision. The Owner has the right to appeal a Committee decision to the Board using the following process:
- Written notice of that appeal must be received by the ACCCA office within 15 days after the date of the Committee's written denial.
 - Requirements for the appeal to the Board and the process are identical to the requirements outlined above for appeal to the Policy Committee.
- STEP 5.** Compliance. If the Board denies the Owner's appeal (i.e. upholds the Committee's decision, the Owner must bring the violation into compliance within 15 days. If the violation still exists after 15 days, the Board may seek legal action to remedy the violation. All costs of legal action will be billed to the Owner and collected in the same manner as assessments. All decisions of the Board are final and may not be further appealed.



VI. GLOSSARY

ACCCA: Anthem Country Club Community Association.

Anthem Country Club Community: Also “Properties.” The real property described in Attachment A to the CC&Rs.

Benefited Assessment: An assessment levied to cover the costs of bringing a Lot into compliance with the Governing Documents or incurred as a consequence of the conduct of the Owner or occupants or their agents, contractors, employees, invitees or guests. (CC&Rs Section 8.5.).

CC&Rs: Covenants, Conditions and Restrictions.

Commercial Vehicle: Any motorized vehicle or towed vehicle designed or used for a commercial or industrial function. (Vehicle Parking Policy).

Common Areas: Real and personal property the ACCCA owns or leases for common use and enjoyment of Owners.(CC&Rs Article II).

Governing Documents: The documents of the ACCCA which include the CC&Rs and Supplements, the Bylaws, the Residential Design Guidelines, Use Restrictions and Board rules, policies and procedures adopted for internal governance, Association activities and operation and use of Common Area. (CC&Rs Section 1.3).

Hearing Body and Committee: The Policy Committee, sitting as the Deed Restriction Enforcement Committee, acting under the ACCCA Board of Directors. (Bylaws Section 3.25).

Lifestyle Enhancement Committee (LEC): The Lifestyle Enhancement Committee has exclusive jurisdiction over modifications, additions or alterations made on existing structures or Lots including initial landscaping, adjacent open space and Common Areas. (CC&Rs Section 4.2).

Other Vehicle: Any off-road vehicle, boat, watercraft or oversized motorized vehicle including large trucks and tractor trailers; inoperable vehicles; unlicensed vehicles and stored vehicles. (Vehicle Parking Policy).

Owner: "One or more Persons who hold the record title to any Lot, but excluding in all cases any Person holding an interest merely as security for the performance of an obligation. If a Lot is sold under a Recorded contract of sale, and the contract specifically so provides, the purchaser (rather than the fee Owner) will be considered the Owner." (CC&Rs, Article II).

Passenger Vehicle: Motorized vehicles intended for transporting passengers and light loads including automobiles, sport utility vehicles (SUV), vans and minivans, pickup trucks including pickup trucks with a low profile toolbox mounted behind the cab, motorcycles and golf carts that can be parked in a standard size garage. (Vehicle Parking Policy).

Properties: Also “Anthem Country Club Community.” The real property described in Attachment A to the CC&Rs. (CC&Rs Section II).

Recreational Vehicle: Any motorized or towed vehicle that has a kitchen, bathroom, bedroom or living area; including motor homes (class A, B, and C), travel trailers, fifth-wheel trailers, popup trailers and slide-in campers. (Vehicle Parking Policy).

Reviewer: The Declarant, or LEC, having jurisdiction in a particular case to review applications for new construction, modifications, additions or alterations to existing structures including initial landscaping. (CC&Rs, Article 4.2).

Self Help: Action taken by the ACCCA to abate violations of the Governing Documents. (CC&Rs, Section 8.5).

Short-Term Rental: A lease of any portion of a property by an Owner or the Owner’s agent for a period of less than 30 continuous days to a single lessee. (CC&Rs, Use Restrictions).



VIOLATION APPEAL FORM

Mail Appeal Form to ACCCA, 3701 W. Anthem Way, Suite 201, Anthem, AZ 85086.

Note on Envelope: Appeal Enclosed

Email Appeal Form to: Staff@ACCCAHOA.com Questions: 623-742-4552 or 623-742-4555

Your appeal will be reviewed by the appropriate ACCCA staff and Committee. You will be notified by mail of the decision. If you have questions or would like to appeal in person, contact the ACCCA at 623-742-6030. This appeal does not resolve the homeowners' responsibilities to maintain compliance or comply until the appeal has been approved.

Owner Name: _____ Owner Phone: _____

Owner Property Address: _____

Owner Email: _____

Other Mailing Address (Add **only** if written correspondence is to be sent to **this** address instead of property address):

Date of Original Violation(s): _____ Fine Amount(s):\$ _____

Description of Violation: _____

Please provide specific details for the committee to consider when reviewing your appeal: _____

Signature (Required) _____ **Date** _____

For Office use only

Date Appeal Reviewed: _____ Approved _____ Not Approved _____

Appeal Reviewed By: LEC _____ Policy _____ Staff _____

Comments: _____
