



Speeding & Barking Dogs in Associations

MULCAHY Community Association Cheat Sheet®

BRINGING ANSWERS
TO COMMUNITY
ASSOCIATIONS

This publication discusses significant points of law as they apply to community associations and is not intended to offer specific legal advice or responses to individual circumstances or problems.

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SPEEDING IN ASSOCIATIONS

Over the past few years, our firm has heard horror stories from association boards and residents regarding owners, residents and vendors speeding and/or failing to obey traffic signals on association streets.

Drivers who do not obey the speed limit within an association are a growing problem for community associations. Association residents want to feel safe in their front yards or while they are walking in their neighborhood. Traffic speed limits are designed to keep association members safe by posting maximum vehicular speeds. Factors such as street location, street size and number of vehicles per day are all used to determine the safest speed vehicles should travel.

ASSOCIATIONS HAVE A DUTY TO KEEP COMMON AREAS SAFE

It is important to note that under Arizona law, associations have a duty to maintain the common areas in a reasonably safe condition. This responsibility extends to lot/unit owners, their tenants and their guests. In addition, an association has a duty to take reasonable measures to protect against foreseeable activities that create a danger on the land it controls. As such, if the speeding problem is creating danger within the association, it is my opinion that the association has a duty to take reasonable measures to protect its residents.

SUGGESTIONS TO REDUCE SPEEDING IN AN ASSOCIATION

Set forth below are several suggestions for associations with speeding problems in their associations:

1. Create a **"traffic safety committee"** to research the speeding problem and provide solutions to reduce or eliminate speeding in the association.
2. Check with your city/town to find out if they have a **speed awareness, speed reduction program** or any other ways they might support the association with a speeding problem. The type of support available from your municipality will depend on whether the association streets are public or privately owned.
3. **Educate and enlist the help of your membership.** Use your newsletter, web site, bulletin boards and any other means to communicate the dangers of speeding in the association.
4. **Obtain and place a speed awareness trailer** on streets where there is a speeding concern. Solar powered trailers are equipped with a radar unit that tracks and displays a motorist's speed and can remain in a neighborhood for several days. Your municipality may be able to help you obtain a trailer.
5. **Use a radar tracking device.** Residents and/or police use a hand held radar unit to monitor traffic speed and record vital motorist information for the association. Speeding motorists are sent a letter informing them of the violation and requesting that they obey neighborhood posted speed limits.
6. **Post signs in the community** regarding speed limits and children at play. Check with your city/town to determine if they can post permanent signs or request specific requirements for the signs if the association posts them.
7. **Use devices such as speed humps, traffic circles, plantings and traffic diverters.** Your city/town will have the requirements for these permanent speed reducers and must be contacted if you plan this type of calming device.
8. **Contact vendors** if you witness their employees speeding in the association.
9. **If you have private streets and posted speed limits which are incorporated into the association's documents, fine owners for speeding** in the association after notice of the violation and an opportunity to be heard. Associations with public streets may ask the police to monitor areas of concern