

Sierra Villas North Homeowners Association

RULES & REGS

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The Rules and Regulations approved by the Board of Directors (the Board) is adopted and published to assist homeowners in enjoying comfortable surroundings, maintaining property values and provide for the administration of the Association. The Rules & Regulations apply to all unit owners, residents, their families and guests. Enforcement policies are set forth in this document. The following supersedes any previous rules and regulations, guidelines, collection and enforcement policies.

SVN is a 55+ community. All owners must have at least one resident who is at least 55 years old, or request in writing to the Board a waiver of this requirement.

Policy Regarding Architecture and Landscape. Members must obtain written permission to make any exterior modification to their home, except those noted below as exempt. Requests should be submitted in writing on the provided form and sent to the Association via the managing agent.

Standards. Trees may be planted and must be at least five feet from the street, no encroachments of trees or bushes over walkways or streets to a height of 8 feet, no weeds (more than 3 or 4 in excess of 6 inches high throughout the front or side yard). No missing roof tiles, exposed wood, chipping, rotting. No window overhangs or gates that need to be painted.

Paint Colors. contact the ARC for assistance in obtaining approved colors listed below.

Exterior Home Colors. All houses including the garage and walls must be Sierra Villas North White. Home Depot has approved paint colors on file. *See ARC Chairman for sample of color and formula.*

Popouts (trim around windows and doors): Sierra Villas North White, Indian Cloth P79, Spanish Tan P22p, Canyon Tan P14w. These are Home Depot/Behr colors but can be matched by any dealer by code number, referencing Home Depot. *See ARC Chairman for samples of above colors before purchasing or painting.*

Security Doors, Gates, Window Bars. Play on Gray (DE6228), Black, Georgia Clay (DE5118), Stone Silver (blue/gray DE5773), or Cream Wave (DE6198). These paints are available at Dunn Edwards, Other colors: Nutmeg (RUST-OLEUM Spray Paint – Home Depot), Roman Brick (Dunn Edwards LRV23), French Beige (RUST-OLEUM Spray Paint), and Almond (RUST-OLEUM Spray Paint). Requests should be made to the ARC for installation of security doors, gates, and window bars.

Retractable Awnings. Must be Sunsetter #1809 (Cream) or Sunsetter #1812 (Sand).

ROOF TILES: School House Brick (D064) Sherwin Williams and Cajun Red (WS0008) Sherwin Williams

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Prohibited Plants. The following plants may not be planted anywhere within the Association: Olive (Olia), Mulberry (Monus), Eucalyptus (Eucalyptus), Australian Pine (Casualina), Salteedar (Tamarix), Honey locust (Gleditsia), Silk Oak (Grevillea), Poplars (Populus), Fan Palm (Washingtonia), Oleander (Nerium Oleander), Common Bermuda Grass (Cynodon dactylon).

ARC. The Architectural Review Committee (ARC) meets to consider requests submitted and recommends action to the Board for their consideration and approval. A chairperson, appointed by the President, must be a Board member. A maximum of four (4) other volunteers, who may be either Board members or members, shall serve on this committee. The Board may maintain the function of this committee.

The Committee has the responsibility to advise Owners submitting proposals and plans, procedures to follow, quality of building materials, approved or disapproved materials, plants, structures. The Committee has the authority to monitor the progress of a project to ensure conformity with submitted plans and specifications, set reasonable time limits for the completion of various requirements, and recommend penalties to the Board in the event of non-compliance.

Exempt from submittal for approval. The following modifications may be made without submitting for approval: Curbs with a maximum height of 4 inches, and front privacy wall with a maximum height of five feet and no closer to the street than the front of the garage.

Submission of ARC Request. There is a form to use that will give the ARC all information needed to approve the Owners request. The ARC will make a recommendation to the Board to approve or disapprove the request. The homeowner will be advised of the decision. The request is approved if more than forty-five (45) days have elapsed since receipt of the request by Management. If additional information is requested, the submission is dated when the last document is received.

Note: The ARC and Pima County approvals are not the same. The County requires that the structure meet various County codes. The ARC requires that good workmanship be incorporated into every project and that certain aesthetic considerations be met to ensure compliance with relevant architectural standards.

Violations. If the ARC finds that a homeowner has failed to comply with submitted plans or specifications, the Committee will notify the homeowner as soon as possible, or within thirty (30) days of the non-conformance and whenever possible indicate the correction needed to obtain final approval. Said corrections may alter the scheduled completion date, so the ARC will suggest a revised completion date in writing and gather all relevant documents. The Committee will then recommend the Board take further action.

Each of the following violations may also be subject to consequences: failure to submit a request for approval for a building project, construction started without obtaining ARC approval, construction started without obtaining County approval, if applicable, indicated corrections for non-conformance are not made, failure to meet time limitations specified by the ARC, failure to follow required procedures, and make the desired corrections.

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Use of Property.

Garage Sales. Once a year, the community organizes a garage sale and all residents may have a sale at their property. Sales on other dates are not allowed. A one-time waiver of the ban on garage sales is allowed for a moving sale consisting of two consecutive days.

Vehicles and Parking. The speed limit in the community is 15 miles per hour. No vehicles can be parked on the street or in driveways overnight (11 pm – 6 am). These regulations do not prohibit parking by residents or guests during the day. Temporary parking on all streets must always allow for the movement of emergency vehicles. Our streets are narrow, please allow 30 feet from another vehicle and at corners. Do not park in front of the mailboxes but park in one of the designated parking spaces. Parking in front of the mailboxes creates a safety risk.

Parking rules for the two common area parking areas (by the pool or the back paved lot) are to limit the overnight parking of residents and to prevent extended guest parking.

An owner or tenant desiring to park over 72 hours within any 30 day period should request a variance. Variances can be obtained by contacting management.

Resident variances will be granted for, but are not limited to:

1. New residents will be allowed 30 days for organization of their garage space to accommodate storage of their vehicles. After such time they must park their vehicles in their garages.
2. Residents vehicles that have been specially adapted to transport required medical equipment such as wheelchairs or motorized scooters and their vehicle does not fit into their enclosed garages.
3. Residents having home improvement projects that require temporary use of their garage space for storage of materials or for household furnishings. Projects must have a start and end date when applying for the variance.

Guest Variances will be granted for: Owners having guest vehicles that will remain on site for more than 3 days (72 hours) in a 30 day period, will be given a 30 day variance. It is the homeowner's responsibility to obtain the variance. Begin and end dates must be supplied.

If you require a permit to park for more than 30 days, write to the Board outlining the situation and the Board will respond as quickly as possible. Send your request to the management company who will then forward it to the Board.

No repair work of any kind is permitted in the guest parking areas or on the street, except for emergencies. A resident who is employed by a public safety agency or public service corporation may request a waiver from the Board for the parking of qualified emergency or public service vehicles.

The Board of Directors reserves the right to tow any vehicle that violates any of the above rules for parking to include guest parking and/or abandoned vehicles. Towing signs will be posted, and a 48 hours' notice will be placed on the vehicle.

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Sign Regulations

Real Estate Signs. Permanent Real Estate Signs are defined as those that are imbedded in the ground until the house is sold, or the listing contract expires. Only one (1) permanent real estate sign may be mounted on a lot to advertise the homes availability. The permanent real estate sign must be removed from the property within five (5) days after closing of the house sale.

Temporary Real Estate Signs are defined as those that are not imbedded in the ground and are set out and taken up within 24 hours, i.e. Open House signs.

Political Signs: a sign that attempts to influence the outcome of an election, including the supporting or opposing the recall of a public officer or supporting or opposing the circulation of a petition for a ballot measure, question, or proposition or the recall of a public officer. Political signs may only be displayed on a lot during the 71 days before an election and 3 days after the election.

Advertisement. No advertisements, signs, solicitations, or notices relating to the sale or lease of a dwelling, the conduct or operation of any business, or the individual sale of private possessions by any owner or resident may be publicly displayed within the Association without the written consent of the Board.

Antenna Regulation and Approval. The following regulations regarding the installation, maintenance and use of TV antennas less than thirty-nine (39) inches in diameter is in compliance with all adopted FCC directives/regulations. Any homeowner who wishes to install a satellite dish on the roof of the home may install the dish without approval from the Association. If a homeowner wishes to install a dish in any location other than the roof, an Association approval shall be required prior to the installation.

Pets. No dog, cat, or other animal shall be permitted in any common area unless on a leash. Pet owners are responsible for immediately cleaning up after their pets. To protect owners from pets urinating on lots and plants, dog walking within the community is permitted only along the outside perimeter of the common areas on a leash short enough to keep the dog off individual lots. Pets are prohibited from the pool area with the exception of service animals.

Owners are limited to two domesticated house pets. No pet is allowed to make an unreasonable amount of noise or to become a nuisance. In addition, the CC&R's Article X, prohibits any nuisance (an activity or condition which is offensive or detrimental to any other person or lot.) If an owner allows their pet to do its daily business in their front or back yards, it must be picked up daily and urine must also be washed away on a regular basis and sanitized.

Wildlife. Feeding wild and feral animals is a health hazard. No food or water is to be placed or be allowed to remain outside a dwelling unit except in suspended feeders from which no material can fall to the ground.

Keys. Each resident should have received a Do Not Duplicate key for the pool gate and manual entrance gates (one key for both) when they moved in from the former owner or current owner. If the key is lost, contact the management company to arrange for a replacement.

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Trash Disposal. All garbage should be in containers and other trash in plastic bags. No containers should be visible on non-pickup days. The Board has an agreement with one company for trash and recycle pick-up to provide a discount rate for residents, and recommends all residents use this provider so that the number of trucks on the roads is limited.

Housekeeping. No clotheslines should be visible from the street. No laundry or any kind of articles shall be hung out or exposed on any part of the common areas. Common areas shall be kept free of rubbish, debris and other unsightly materials. No rust or oil stains should be visible on driveways or on buildings.

Children. It is requested that all visiting children be supervised.

Permanent Residents. Anyone residing in the community for more than four weeks is a permanent resident. No person under the age of 19 will reside in the community for more than four weeks in a 12-month calendar year.

Disturbances and Noises. No owner or resident shall utilize or play any TV, radio or musical instruments at a volume that may annoy or disturb neighboring residents. In general, no owner or resident shall permit any excessive noises, parties or other conduct that may interfere with the rights, comfort or convenience of other owners or residents of the Association.

Rental of Homes. Any lease or agreement shall provide that the resident(s) will abide by the Bylaws, CC&R's and Rules and Regulations of the Association. All owners who lend or rent their homes must provide a copy of the Rules and Regulations for the tenant(s) or guest(s).

Pool Rules. It is not the intention to deprive anyone of the use of the pool facility. The Association, however, must operate the pool facility in accordance with all laws established by the State and County. Violations may result in closing the facility indefinitely with fines levied against the violator(s) and/or the Association. The Association may also suspend the right to use the pool.

Owners, residents, guests and any other authorized person using the pool facility will do so at their own risk. The Association and management do not assume responsibility for any accidents or injury in connection with the use of this common facility and are not liable for any loss or damage to life, limb or property and are blameless from any claim arising out of injuries sustained by the guests of any owner.

Proper swimming attire is required in the pool. Cut-offs or jeans are not allowed. Diapers should not be worn in the pool as it creates a health risk to other users.

Pool and spa hours are from 6:00 am to 11:00 pm.

An adult must accompany all children under the age of 16.

Residents have priority over guests if pool area becomes crowded.

No toys or swimming aids in the pool if they interfere with another's enjoyment or use of the pool.

No loud music.

No food is allowed on the pool deck area.

No glass or breakable containers are permitted inside the fenced pool area.

All litter must be removed from the pool area.

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No smoking is allowed in the pool area.

Everyone must shower before entering pool.

Do not climb over the fence or gate to enter or exit the pool area.

Profanity and/or obscene gestures are not allowed.

The pool area must be vacated during periods of cleaning.

Gates must be closed immediately upon entering or leaving the area.

Pets are not allowed inside the fenced pool area; only service animals.

Pool safety equipment is for emergency use only.

Enforcement Policy. The Board is charged with arranging for periodic inspections to ensure the consistent and fair enforcement of the Rules & Regulations.

Friendly Reminder. In most cases, and when appropriate, the first notification to an owner of their compliance issue will be a “friendly reminder” letter.

Notice of Violation. If the violation continues fourteen calendar days beyond the date of the Friendly Reminder or if the same violation occurs within 90 days, a written Notice of Violation together with a request to cease and desist from an alleged violation shall be sent to the Owner via regular mail and shall specify the relevant facts relating to the violation. If the Owner is leasing the home, the Association may provide a copy of the Notice of Violation(s) to the Owner’s tenant.

Final Non-Compliance Notice. If the violation continues beyond the period allowed in the Notice of Violation or if the same violation occurs within 90 days, a written Final Non-Compliance Notice shall be sent to the Owner via regular mail and shall specify the relevant facts relating to the violation. It will include an invitation to submit a written request for hearing with the Board to discuss the alleged violation within 14 days, a statement that unless corrected sanctions may be imposed which may include fines.

Continuing Violation(s). Each day a violation(s) continues after notice to cease has been given by the Board to the Owner constitutes a separate violation (s) and can be subject to a fine. The re-occurrence of a “behavior” violation (i.e. trash cans left out) within 12 months of the original violation will result in the continuing of the violation and the subsequent escalation of that violation rather than starting a new violation.

Hearing. If a request for hearing is submitted within 14 days, a hearing will be scheduled. The owner will be notified of the location, time and date of the hearing. The meeting will be held and the owner shall be afforded a reasonable opportunity to be heard. If no request for hearing is submitted within the 14 days, an initial fine may be imposed.

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Imposition of Fine and Other Sanctions. At the conclusion of the hearing, the Owner may be excused from the hearing and the Board shall determine the amount of the fine to be imposed, if any, based on: the seriousness of the violation(s), whether this is a first violation or a continuing violation(s), whether the type of offense poses a danger to property or any person, any other extenuating circumstances and whether the Owner agrees in good faith to correct the violation(s) within the time specified, whether the amount is sufficient to obtain compliance, based on the facts.

After the Board of Directors determines the amount of the fine, the Board shall send notice to the Owner of the amount of the fine and its due date. The Board is empowered to impose a fine for each day that the violation(s) continues.

Request for Reconsideration to the Board. The Owner may request reconsideration of sanctions imposed by the Board. In order to schedule an appearance before the Board, the Owner must submit a written request to the Board after receipt of notice of the sanctions. The meeting shall be scheduled and the Owner notified of the date, time and location via regular mail. The meeting will be held in executive session and the Owner shall be afforded a reasonable opportunity to be heard. At the conclusion of the meeting, the Owner may be excused from the meeting and the Board shall issue a ruling on whether the sanction stands, is modified or is rescinded. The Board shall send a written notice to the Owner of its ruling. The ruling of the Board will be final.

Payment of the Fine or Penalties, Collection. The Board shall advise the Owner that any fine, which is not paid within fifteen (15) days of its due date, is delinquent and subject to late fees and interest consistent with the governing documents and applicable Arizona law. Collection of any fines and penalties may be enforced against any owner in the manner consistent with the governing documents and applicable Arizona law.

Fine Guidelines. No fine shall be assessed until the Member who has committed a violation has been given due written notice and an opportunity for a hearing. Monetary fines for violation(s) of the governing documents and/or rules and regulations of the Association may be as follows:

First violation	\$25
Second violation (of the same nature)	\$50
Third violation (of the same nature)	\$75
Each violation after the third (of the same nature)	\$100
Exterior modifications without required Architectural approval	\$100

If the violation reoccurs within 90 days of resolution of the violation, the fine or enforcement procedure will immediately resume at next level.

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Other Penalties and Charges. An administrative fee of \$25.00 may be assessed on all violations requiring Association action for correction. (Example: If the Association has to hire a landscaper a \$25.00 fee shall be assessed to account in addition to the cost of services). Replacement fee for lost pool key - \$25.00.

Association Assessments: Assessments are due and payable on the first day of each month. The Board has a fiduciary duty to collect assessments. The Association's management company performs collection of assessments for the Association. What follows is the outline of the collection process as approved by the Board and as performed by management.

The Collection Process: Management begins collections procedures when an individual lot owner is delinquent in paying assessments as follows:

A "Friendly Reminder Notice" shall be sent to the owner 30 days after the due date of the assessment. A \$5.00 late fee shall be assessed on the 15th Day of the month. (Assessments are considered delinquent on the 15th day of the month in which they are due, and a late fee is applied and interest begins to accrue effective on that date.) Additionally, interest shall accrue at a rate of 12% per annum on the entire delinquent balance.

A "Demand Letter" sent to Owner along with 15-day notice of intent to lien at 60 days delinquent. After the fifteen-day period for payment expires, if no payment is received, the Board shall evaluate whether to send the account to the attorney for collections. If the Board decides to send the account to the attorney, the attorney will record a lien against the Owner's lot and send a copy of the lien to the Owner. If no payment is received within 30 days after the lien, the attorneys will proceed with collections.

Management and the attorneys have no authority to negotiate reductions of the debts and have no authority to waive any assessments or fines. Owners must approach the Board directly to request waiver of any fines or late fees. Management will enter into reasonable written payment arrangements.

Member Complaints. Per Arizona law, any complaint lodged with the Association related to a violation will NOT remain anonymous. Therefore, member complaints regarding violations of other members will need to be in writing. We have created a Member Complaint Form for this purpose. There are generally two broad categories of member complaints:

1. Items that only the complaining member may see (e.g. something that is visible from their backyard, barking dogs, night parking). The complaint must be submitted to the management company in writing for action to be taken.
2. Items that can be seen by a normal inspection/site tour.

Management will send a letter to the member who is allegedly in violation based on the written complaint that we received. If the member does not wish to put it in writing, we will open an Inspection Record so that particular item would be followed up on during our next regularly scheduled site tour.

Board Policy "sole witness". There are many instances where a violation occurs intermittently or at such time(s) that the property manager cannot observe it during the routine drive-by inspection of SVN premises.

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Many violations will be observed and consequently reported to the SVN property manager by individual members (residents) of SVN as "sole witnesses". Examples of such violations, but not limited to, are: garbage cans not being stored in a timely manner, parked cars on streets overnight, issues of noise such as loud parties, wind chimes, dogs barking, issues of dog waste upon private property or common areas, issues of light spillage, feeding of wild animals, and trespassing.

This policy articulates the Board's approach to a dilemma that can evolve with regard to enforcement procedures when there is only one member who is a "sole witness" to a violation that cannot be confirmed or corroborated by the property manager or other members. The intent of this policy is to ensure fair and equitable enforcement of the CC&R's for all members as individuals and to prevent possible abuse of "sole witness" reporting of alleged violations between members.

When the property manager receives a "sole witness" violation complaint that cannot be confirmed in person, he/she shall inform the member complainant to submit a complaint to the Board in person. Upon notice ten days before the next scheduled Board meeting, all such "sole witness" complaints shall be heard by the Board. A witnessing member has every right to bring his grievance or complaint of a violation to the property manager or SVN Board for enforcement. However, when he is the "sole witness," he will be required to bring his complaint to the Board in person to be heard.

The member complainant shall have the burden of proving the violation by a preponderance of the facts. The member complainant shall be required to prove to the Board that it is more probably true that the violation occurred. The proof of the violation must outweigh the proof offered by the alleged violator that the violation did not occur. The standards of evidence set forth herein is not limited to a "sole witness" and shall also apply to multiple members who join to come before the Board to give testimony regarding a violation that cannot be confirmed or corroborated by the property manager. Upon the presentation of credible evidence by a "sole witness" or multiple members, the Board may proceed with citing the violating party per SVN enforcement procedures.