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Signal Butte Casitas Homeowners Association

PO Box 5720

Mesa, AZ 85211-5720

CAPTION HEADING:

SIGNAL BUTTE CASITAS HOMEOWNERS ASSOCIATION

RULES AND REGULATIONS

DO NOT REMOVE

This is part of the official document.

Signal Butte Casitas
Homeowner Association

RULES
and
REGULATIONS

Adopted
June 3, 2021

These Rules and Regulations are a summary or clarification of the Use Restrictions in the CC&R's (Covenants, Conditions and Restrictions). The Rules are not meant to be an inconvenience or to invade your freedom, rather, they are a means of maintaining the harmony in the community. In the event of any inconsistency between these Rules and the CC&R's, the CC&R's shall control.

Applicability

These Rules shall apply to all Residents and to their families and Guests. Any violation of the CC&R's, Bylaws and/or Rules and Regulations by Tenants or Guests will result in notification to the Owner, who shall be responsible for any sanctions or fines and will be liable for any losses caused by such occupants.

Rules and Regulations

1.0 Trash and Recycling Collections.
Trash and recycle bins shall not be visible by neighboring properties on non-collection days. Bins must be kept behind the patio wall or in the garage. Bins shall not be placed out no sooner than 12 hours before scheduled pick-up and no longer than 12 hours after scheduled pick-up. City of Mesa trash collection is on **Thursdays** and recycle collection is on **Mondays**. ***(CC&R Article 3.8)***

2.0 Utility Service.
Exterior cables, wiring and accessories shall be in the least visible locations possible and not be left trailing on the ground, nor should it be left loose or dangling. Exposed cables, wiring and accessories shall be painted to match the color of the Unit. ***(CC&R Article 3.10)***

3.0 Window Treatments.
Window treatment must be kept in good repair and neat in appearance to the outside. Broken blinds, torn curtains, etc. will need to be replaced as soon as possible. No reflective materials, including but not limited to, aluminum foil, reflective screens or glass, mirrors or similar-type items shall be installed or placed on the outside or inside of any window. The exterior of all drapes, curtains or other window coverings shall be white, off-white, beige or natural wood-toned in color or such other colors as permitted by the Board. ***(CC&R Article 3.16)***

4.0 Exterior Window Treatments/Solar Screens.
Before replacing sunscreens/solar screens, the resident must submit plans to the Architectural Committee for pre-approval. Plans must include:

- The color of the sunscreen or solar screen frame must be the same color of the window frame.
- The color of the sunscreens or solar screens must be black or dark charcoal.
- Sunscreens must be a standard screen manufactured for that purpose.
- Sunscreens must be always maintained.
- Sunscreens that are faded, torn, ripped, or falling apart must be replaced as soon as possible.

5.0 Planting and Landscaping.
The Association maintains the front and side landscaping areas of each unit. No additional plants are to be installed by Residents unless it has been pre-approved by the Association. Unauthorized plantings will be removed at the expense of the Resident. To maintain consistency, the Landscape Committee in agreement with the Landscape Contractor will determine which plants are currently acceptable. Residents may not re-configure the Association maintained dripline system.

The following items are not permitted in the front or side yard or hanging on the exterior front or side walls of any Unit:

- Artwork, sculptures, decorations, statues, signs, artificial flowers, or plants.
- House and/or patio furniture, accessories, chairs, or benches.
- Empty pots, urns, planters and/or window boxes.
- No decorative accessories should be placed above the front entrance alcove.

A decorative planter is permitted if placed at the front entrance of the Unit, between garages (must be approved by both Units), and window boxes. The planters should contain live plants and must be maintained.

Backyard trees and vegetation that can be seen by neighboring properties must be trimmed and well maintained. Backyard vegetation should not grow on or over the exterior Community walls.

Garden hoses must be placed in a hose hideaway or maintained on a hose container after being used. Garden hoses should not be left unattended on the exterior landscape, driveways, or walkways. ***(CC&R Article 3.26)***

6.0 Lighting.
The following lighting is not allowed in front or side yards of any Unit, nor in the garage area:

- Colored light bulbs at entrance, and/or garage light fixtures.
- Motion detectors, security lights, flood lights and/or fixtures.
- Landscape lighting except to illuminate the U.S. flag.
- String lights, strand lights, and or rope lights.
- Prohibited outdoor lighting, base, or completely exposed lamps/bulbs.
- Pole mounted or post mounted lights.

Solar path lights are permitted by the front entrance walkway.

7.0 Holiday Lighting and Decorations.
- Halloween decorations are permitted between October 1st and November 6th.
- Fall decorations are permitted between October 1st and November 30th.
- Holiday decorations are permitted between Thanksgiving and January 10th.

Decorations for other holidays may be displayed no more than two weeks prior to the holiday and must be removed one week after the holiday.

8.0 Street/Guest Parking.
Parking on the streets, including the guest parking spaces by the pool, is not permitted between the hours of **11:00 p.m.** and **6:00 a.m.** Vehicles and/or Residents in violation of this rule will be sent a compliance violation notice. Any re-occurrences of this rule after the initial notice will be an automatic tow at the vehicle owner's expense. ***(CC&R Article 3.20.3)***

9.0 General Vehicle Restrictions.

All Vehicles which remain visible must have a legal license plate. Vehicles which do not have a legal license plate or are inoperable shall be stored or kept in the enclosed garage. Vehicle tires must be properly inflated, and vehicles must be free of dust and cobwebs. ***(CC&R Article 3.20)***

10.0 Garages.
For security, Residents shall keep garage doors closed except as reasonably necessary for ingress and egress. ***(CC&R Article 3.24)***

Enforcement and Fine Policy

Pursuant to the authority contained in the Arizona Revised Statutes and the Governing Documents of the Association, the Board of Directors of Signal Butte Casitas Homeowners Association hereby adopt the following resolution by unanimous consent for and as the actions of the Signal Butte Casitas Homeowners Association, as of the date set forth below.

DATED as of the 3rd day of June 2021.

The scope and intent of this resolution is to apply uniformly to all members of the Association. The Board shall, at all times in enforcing the provisions of the Governing Documents, remain fair and impartial, and treat all Owners in the same manner as any other Owners.

Reporting Violations to the Association:

- Owners or residents within the community may report alleged violations only if they personally observed the alleged violation.
- Alleged violations are to be reported in writing to the Association's Manager, or if no Manager, then to the Board of Directors.
- The complaint must be detailed and provide the provisions of the Governing Documents claimed to be violated, the time, date, and place of the violation, and any witnesses to the violation.
- The Board or its authorized agent(s) should review the written complaint and supporting documents, if any.
- If the Board or its authorized agent(s) determines that the complaint is valid and sets forth a valid violation of provisions of the Governing Documents, then the Board shall send a notice to the Owner.
- Notwithstanding reports from Owners, the Association may also conduct its own inspections and send notices of violations to Owners.
- Per Arizona Law (**A.R.S. §33-1242** and **A.R.S. §33-1803**), any complaint lodged with the Association will NOT remain anonymous. Your first and last name will be disclosed to the violator upon request.

Notice of Violation: The Notice of Violation shall be sent to the Owner, even if it is the Owner's tenants, guests, or invitees that are responsible for the violations of the Governing Documents.

The Notice shall be sent to the address registered with the Association, and if none, to the property address of the Association for that Owner. The Notice should be delivered by first class mail. The Notice should state the details of the violation as outlined in the complaint and revealed by the Board's review and investigation, if applicable. The Notice should also provide the Owner an opportunity for a hearing before the Board to refute the complaint.

An Owner has a duty to respond in writing within ten (10) days to request a hearing. If the Owner does not respond timely or in writing, then the Owner is deemed to have admitted the facts set forth in the Notice, and the Board may enforce the provisions in accordance with this Resolution.

Schedule for fines that are not specifically identified in the Rules and Regulations. The Board adopts the following fine procedure and accompanying amounts:

First Notice of Violation: A letter will be sent to the Owner of the property outlining the violation. In the event that the Owner of the property is identified as an absentee Owner, a copy of the violation letter may also be sent to the tenant at the property address. The Owner will be given ten (10) days to bring the violation into compliance. The First Notice shall include a warning that if the violation is not cured within ten (10) days that a fine shall be assessed. This letter shall also state that the Owner may petition the Department of Real Estate pursuant to ARS 32-2199.01.

Second Notice of Violation: The Association will issue a second Notice if the Owner has not complied with the first Notice, or if the violation has returned or has been repeated. The second Notice will inform the Owner that the Initial Monetary Penalty, in the amount of $25.00, has been imposed. This letter shall also tell the Owner that if the violation is not cured within ten (10) days that a fine will be assessed. The Owner will also be responsible for any certified letter processing fees.

Third Notice of Violation: The Association will assess an Additional Monetary Penalty, in the amount of $50.00, if the Owner has not corrected or removed the violation as stated in the time frames in the first and second Notice, or if the violation has returned or has been repeated. The Owner will also be responsible for any certified letter processing fees.

Additional Monetary Penalties: After the imposition of the Initial Monetary Penalty and the Additional Monetary Penalty, another penalty, increasing by increments of $50.00 from the previous fine may be imposed upon subsequent inspection, if the Owner has not corrected or removed the violation, or if the violation is repeated or has returned. Inspections will be conducted to coincide with the terms of the notices. The Owner will also be responsible for any certified letter processing fees.

Additional Remedies: The Association has the right, without proceeding through the steps outlined in the fine schedule above, to exercise its legal remedies against an Owner who is in violation of provisions in the Governing Documents, or to exercise self-help, if applicable. Nothing in this Resolution prohibits the Association from seeking immediate redress, filing an action for any reason authorized by law, while also seeking injunctive relief for violations that are continuing or that affect the health, safety, or welfare of the Community. Subject to the Governing Documents, the Association shall be entitled to its attorney fees and costs to compel compliance, regardless of whether a lawsuit is filed.

Violations that threaten the health, safety and welfare of homeowners and residents, such as drug use and sales, discharging firearms, arson, vandalism and any other violation that the Board deems to be of an egregious nature will be fined at **$200.00 to $500.00** per occurrence.

Should a period of time of at least 90 days lapse between violation letters of the same offense, the next letter will be a First Notice again.

Right of Self-Help: The Association has the right (but not the obligation) to enter the Owner's Property and to provide all maintenance and repairs that are necessary to remove the violation. Entry by the Association and any of its agents is not an actionable trespass. The Association may assess the Owner for the costs of all maintenance and repairs performed by the Association.

Appeal Process:

- When a violation notice is sent to an owner, such notice shall include a statement notifying the owner that he/she has the "RIGHT OF APPEAL".
- When an owner desires to appeal a violation, he/she must so notify the management company in writing by certified mail within ten (10) days of the date of the violation notice.
- Appeals shall demonstrate *extenuating circumstances* which require deviation from the CC&Rs and/or guidelines.
- Appeals shall include all pertinent backup information to support the existence of the *extenuating circumstance*.
- Any appeal that does not meet the above requirements shall not be heard by the Board of Directors and shall be considered DENIED.
- The Owner appealing the violation as the right to request an in-person hearing with the Board during an Open or Executive Meeting. If a hearing is requested, please refer to the Hearings section below.
- If no hearing is requested, the written appeal will be presented to the Board during an executive meeting, and the owner will be notified of the Board's decision.
- All decisions of the Board of Directors are FINAL and may not be further appealed.

Hearings Before the Association: If the Owner timely requested a hearing before the Board in writing, the following should govern the hearing before the Board:

- Alleged violators are entitled to notice and opportunity for a hearing on the merits before a fine is imposed upon them by the Board.
- Notice of violations setting a fine may set forth a date and time for the hearing or allow for the scheduling of a hearing.
- The hearing will be before the Board, with any "interested" board member disqualified to be a part of the hearing panel.
- At the hearing, the alleged Owner or the Owner's designated representative and the Complainant may make an opening statement, present evidence and testimony, present witnesses and make a closing statement.
- Additional evidence and testimony may be presented by an officer, Board Member or the Association's Manager, if any, and/or any person involved in the performance of the investigation of the alleged violation.
- Neither the Complainant nor the alleged violator is required to be in attendance at the hearing.
- The presiding officer may also impose other rules of conduct as may be appropriate under the circumstances.
- Unless otherwise requested by the Owner, the hearing may be open or closed to attendance by all Owners.
- The hearing must be fair and impartial to the Owner accused of the violation, as outlined above.
- The Board may render its decision in writing within thirty (30) days, or a longer period as the Board may set.
- In its decision, the Board may, at its sole discretion, impose the fine, waive all or a portion of the fine, or condition waiver or partial waiver of the fine.
- Failure to strictly follow the hearing procedures is not grounds for appeal of the Board's decision, absent a showing of denial of due process.

Non-Waiver: The failure of the Association to enforce its Governing Documents does not constitute a waiver of the right to enforce the Governing Documents in the future.

I, the undersigned, duly elected Board Member of Signal Butte Casitas Homeowners Association, does hereby certify as evidenced by my signature below, that:

By resolution of the Board of Directors, during the duly noticed Open Board Meeting on **June 3, 2021**, the foregoing rules and policies have been adopted pursuant to the authority contained in the Arizona Revised Statutes and the Governing Documents of the Association.

Mavis Luther

Mavis Luther, President