

# **Southview Trails Homeowners Association**

## **Rules and Regulations Adopted by the Board of Directors August 11, 2009**

The following regulations and rules shall apply to all of the properties until such time as they are amended, modified, repealed or limited by rules of the Association adopted pursuant to the Declaration.

### **1. Holiday Decorations**

Holiday decorations are permitted to be installed without approval of the Architectural Control Committee. Such decorations shall be installed no earlier than thirty (30) days prior to the subject holiday and shall be removed no later than twenty (20) days after such holiday. All holiday decorations should be turned off by 11:00 p.m. each evening.

### **2. Mailboxes**

Mailboxes shall be of the type, color and location as approved by the Architectural Control Committee. Refer to Architectural Standards & Procedures Section I D7 for design details.

### **3. Lot Maintenance and Diseases and Insects**

Each lot owner shall at all times maintain the yard and landscaping thereon and the exterior of the structures thereon in neat and clean condition and repair. Any damage or destruction to the lot or structures thereon, which damage or destruction is visible from any neighboring property, shall be promptly repaired. Driveways shall be maintained in suitable condition for passenger car travel and have dust free, hard surfaces. The Board of Directors may, at the lot owner's expense: (i) require replacement or substitute landscaping for trees or shrubs cut or removed without prior approval and (ii) enter upon any lot and remove any tree infested with IPS beetles and/or other destructive insects or diseases if, within five (5) days after receiving notification from the Association's Management Company, such removal is not accomplished by the owners.

### **4. Lawn and Roof Ornaments**

No lawn or roof ornaments or other decorative items visible from neighboring properties are permitted without the prior written consent of the Architectural Control Committee.

### **5. Glass & Glass Treatments**

The installation of non-reflective metallic film (designed to reduce sun and heat) on the inside of windows shall be subject to the approval in writing of the Architectural Control Committee and shall not have an obtrusive appearance or reflective glare visible on any neighboring lot or parcel. Reflective glass, reflective foil or aluminum foil is not allowed on windows. Only drapes, blinds or shutters will be allowed.

## **6. Exterior Lights**

The ordinances of the City of Prescott commonly known as the Outdoor Light Control Regulations (Regulations §§3-12-1 through 3-12-8), as amended from time to time by the City of Prescott, are hereby incorporated in this document as though fully set forth herein. Notwithstanding the foregoing, all exterior light fixtures shall be subject to the approval of the Architectural Control Committee, which shall not approve any lighting that has an obtrusive appearance or casts a glare visible on any other property. Each homeowner must have a mailbox with a light adjacent to the city street which must be approved by the Architectural Control Committee. Those homes on paved driveways are exempt from the light requirement.

## **7. Solar Energy and Air Conditioners**

All plans for external placement of solar energy and air conditioning equipment shall require the approval in writing of the Association's Architectural Control Committee. The Architectural Control Committee shall not approve such plans unless they provide for such equipment to be reasonably blended with other improvements so as not to have an obtrusive appearance from any neighboring properties or from the street. Solar heating and/or solar water heating systems panels or collectors shall be constructed to integrate with the architecture of the structure (i.e. follow the slope of the roof area where they are placed) or built into the surface to be reasonably flush with the adjacent materials. Tanks and any other auxiliary solar equipment shall be located within the structure or enclosed to screen them from view from adjacent properties and/or from the street. Notwithstanding the foregoing, such rules will not be enforced by the Association in a manner that will effectively prohibit the use of solar devices.

## **8. Signs**

No signs, including but not limited to, For Rent, Information boxes and devices, commercial and other similar signs which are visible from neighboring property shall be erected or maintained on any parcel of property within the Community unless approved in advance by the Board of Directors or the Architectural Control Committee, except:

### **A) For Sale Signs pursuant to ARS § 33-1808(F)**

The indoor or outdoor display of a (1) for sale sign and a (1) sign rider by an association member on that member's property, including a sign that indicates the member is offering the property for sale by owner. The size of a sign offering a property for sale shall be in conformance with the industry standard size sign, which shall *not exceed* eighteen by twenty-four inches, and the industry standard size sign rider, which shall not exceed six by twenty-four inches.

For those homes located off of the "flag" driveways, an arrow may be placed at the top of the driveway to indicate to which lot the lower sign is referring. Signs shall be mounted so that they are no more than six (6) inches off of the ground. No flyer boxes, information tubes, or any other type of attachment containing printed information is permitted.

### **B) General Contractors**

During construction, a General Contractor is the only business permitted to have a sign on the property and then only one sign. The Contractor sign shall be no larger than 18x24 inches with a dark colored frame and mounted no higher than 18 inches from the ground. No financial institutions or sub-contractors are allowed to display signs. All signs must be removed at the time of occupancy or close of escrow;

C) On the days any estate sale, community garage sale or open house is held, only such signs as are reasonably necessary to direct purchasers to the location of the sale. The size of signs shall not exceed 12x18 inches and shall not block roadways and sidewalks;

D) **Political Signs**

No political sign may be displayed on the Real Property (Common Area) except that political signs may be displayed on the homeowner's property subject to the following:

a) Political signs may be displayed not more than forty-five (45) days prior to an election and must be removed no later than seven (7) days after an election day.

b) The total political sign area cannot exceed the maximum size limit established from time to time by applicable City of Prescott ordinances.

E) Additional signs not to exceed 18x24 inches shall be permitted for home address and protective services;

F) All signs which are required to be posted in connection with legal proceedings or directly related to legal liability issues are permitted;

G) Signs displayed in violation of these regulations shall be subject to removal at the direction of the Association and the Association shall have no responsibility for their safe keeping. The Association shall have the right to enter upon the offending owner's property to take such steps as may be necessary to remove or otherwise terminate or abate any violation.

**9. Flag Pole**

Installation of a permanent free standing flagpole will be allowed upon the proper application and approval for a site improvement change, or when submitted and approved with the initial structure application, subject to the following limitations: (1) The height of the flagpole must not be more than the lesser of (i) eighteen feet (18') or (ii) the highest point of the residence located or to be located on the lot; (2) The flagpole must not be located closer to any property line than the applicable building setback regulations would allow for a building on the lot, except as to flagpoles to be located on the front yard of a residence which may be placed no closer than fifteen feet (15') from the front property line; and (3) Flagpoles shall have a matte finish of bronze, dark bronze or another earth-tone color with a maximum light reflective value of fifteen (15).

**10. Outside Storage**

Personal property other than barbeques, lawn and/or deck furniture may not be stored outside of a residence or garage unless totally screened from view from neighboring properties. Personal property must be stored in a member's residence or garage.

**11. Garbage Pick-up**

All garbage and trash must be stored in covered containers in a location not visible from neighboring properties except when placed at the curbside for collection. Garbage containers may not be placed outside before noon on the day prior to the day of pick-up, and containers should be removed by midnight on the day of pick-up. All garbage must be bagged, so it cannot blow about or be scattered by birds or animals.

**12. Obtrusive Materials**

Firewood, repair materials, storage sheds, tools, lawn equipment, and other temporary or permanent equipment must be screened or stored completely so as not to be visible from any street or any other lot. No visible television antennas will be allowed. Ham radio towers must be of the electrically or automatically raised type when in use and lowered from view when not in use.

### **13. Pets**

No animals, including livestock or poultry of any kind, shall be raised, bred or kept on any lot except a reasonable number of dogs, cats, or other generally recognized household pets, provided that they are not kept, bred or maintained for any commercial purposes. Dogs shall be kept within structures or fences or on secured leashes when not on the owner's lot. No animal shall be allowed to make an unreasonable amount of noise or be a nuisance. All pets must be in compliance with local ordinances regarding inoculations, licensing and leashing. The owner of the pet is required to clean up after the pet. This includes both soiling in the pet owner's yard and in any other yards or street. Upon the written request of any member, the Board shall conclusively determine, in its sole discretion, whether a particular animal is a nuisance or the number of animals on any such property is unreasonable. Any decision rendered by the Board shall be enforceable as other restrictions contained herein.

### **14. Parking**

The term "Motor Vehicle" as used in these Rules and Regulations shall include without limitation, automobiles, sport utility vehicles (SUVs), pick-up trucks, vans, trucks, recreational vehicles, buses, motor homes, motorcycles and similar apparatus.

Each homeowner must provide adequate parking for all Motor Vehicles regularly or permanently parked on the homeowner's lot. Subject to the following and to the other Rules and Regulations set forth herein, all Motor Vehicles must be parked in enclosed garages and may not be parked on any other portion of a lot. A homeowner may park one automobile, SUV or non-commercial pickup on the paved area immediately adjacent to their garage, but only if the garage is fully utilized for the parking of the number of motor vehicles for which it was designed (e.g. not less than two Motor Vehicles per the CC&R's). If these conditions are met, the prior approval of the Board for the parking of one such vehicle in such area is not required. In addition, a homeowner may park one additional automobile, SUV or pickup on the paved area immediately adjacent to the garage (thus an aggregate of not more than two such vehicles), but only if (i) the garage is fully utilized for the parking of the number of motor vehicles for which it was designed (e.g. not less than two Motor Vehicles per the CC&Rs) and (ii) the homeowner makes a written request to the Board for the approval of such second vehicle, and the Board, in its sole discretion, approves such request in writing.

Inoperable vehicles and equipment shall be stored in a garage or removed from the property. Each owner shall not park or permit others to park on unpaved portions of the lot. Except for permitted construction purposes or limited temporary parking (48 hours) for loading or unloading, no vehicle in excess of 6500 pounds gross weight, no commercial vehicle, industrial equipment, recreational vehicle, boat, boat trailer, utility trailer, mounted or un-mounted camper, motor home, travel trailer, or similar vehicle may be parked on any lot on paved or unpaved parking areas.

Guests of residents traveling to Southview may park their recreational vehicle in the homeowner's driveway for a period not to exceed one week.

### **15. Nuisances**

No obnoxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. No rubbish or debris of any kind shall be placed or permitted to accumulate upon any lot so as to render any such property in the vicinity thereof unsanitary, unsightly, offensive or detrimental to any other property in the vicinity thereof or its occupants. No motor vehicles shall be operated on the property so as to create a loud or annoying noise which is hereby

deemed a nuisance. Without limiting, the generality of the foregoing provisions, no exterior horns, whistles, bells or other sound devices, except security devices used exclusively for security purposes, shall be located, used or placed on any such property within the Real Property. The Board in its sole discretion shall have the right to determine the existence of any such nuisance. Any decision by the Board shall be enforceable as other restrictions contained herein.

## **16. Rental Homes**

When an owner decides to rent or lease his or her home, the owner shall notify the proposed lessee, tenant or occupant that the use of the premises is subject to these Rules and Regulations and to the provisions of the declaration shall secure a written agreement to abide by all of the covenants and restrictions contained in the declaration and these Rules and Regulations. A copy of such agreement must be filed with the secretary of the Association. Failure to abide by the Declaration or these Rules and Regulations, shall entitle the Association to initiate appropriate legal action in the name of the Association. The terms of any lease or rental agreement must be for a period of not less than twelve (12) consecutive months.

## **17. Repair of Building and Painting**

Building and structures on any lot shall at all times be kept in good condition and repair and adequately painted or otherwise finished. No homes and other structures, including fences, may be painted or stained without the prior approval in writing by the Architectural Control Committee or may be repainted or re-stained a color different than the colors previously approved by the Architectural Control Committee. The Board encourages members who intend to repaint or re-stain their homes to consult the palette of approved colors that is available from the Architectural Control Committee.

## **18. Machinery & Equipment**

No machinery or equipment of any kind shall be placed or operated or maintained upon any lot in the development except such machinery or equipment as is usual or customary in connection with the use or maintenance of a residence, appurtenant structures or other improvements and except that which the Association may require for the construction, operation and maintenance of the Association common properties any such permitted machinery or equipment shall be acoustically screened so as not to create an unreasonable or unnecessary noise or vibration audible to neighboring properties.

## **19. Auto Maintenance**

No repair or maintenance work shall be performed on any Motor Vehicle or other equipment except wholly within an enclosed garage. Motor Vehicles shall not be left standing anywhere on the property in an inoperative condition. All Motor Vehicles other than those stored in the homeowner's garage must have current license tags.

## **20. Alteration of Drainages**

No lot owner shall alter in any way the drainage areas along the Association roadway, the drainage easements located on the owner's property or the natural drainage to adjacent properties without the prior consent of the Architectural Control Committee.

## **21. Garage Sales**

Each homeowner may have a maximum of two garage sales each calendar year at their home. Any garage sale permitted by this rule shall be held between the hours of 8:00 a.m.

and 4:00 p.m. and shall not be held for more than two consecutive days. Individuals holding any such permitted sale must insure compliance with the sign policy, as set forth in 8(C) herein, and parking regulations of the Association and the City of Prescott are followed.

## **22. Single Family Residential Use**

No lot shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot other than one single family dwelling which may include patio walls, swimming pool, garage, carports, servant's quarters, guest houses, ramadas, or other similar residential structures. Rental of guest houses and/or servants quarters are not permitted. No business, commercial use, trade, or manufacturing of any nature or description shall be carried on or transacted on any portion of the property shall be used as a hospital or sanitarium or other place for hire for the care or entertainment of persons suffering from any disease or disability whatsoever. Failure to abide by the Declaration or these Rules and Regulations, shall entitle the Association to initiate appropriate legal action in the name of the Association.

## **23. Compliance with Law**

No immoral, improper, offensive, or unlawful use may be made of any property within the Community. Members will comply with and conform to all applicable laws and regulations of the United States and state and local ordinances, rules and regulations. Members will hold the Association or other members harmless from fines, penalties, cost, and prosecution for the violations thereof or noncompliance therewith.

## **24. Alteration of Lot or Residence**

No building, structure, fence or wall shall be erected, placed or altered on any lot within the Community until the construction plans and specifications and plan showing the location of the structure upon site have been approved by the Architectural Control Committee. A member shall not alter the topographic conditions of his or her lot or create visible scarring of the hills and rocks without the prior consent of the Architectural Control Committee. No structure or object on a lot visible from neighboring properties, shall be painted or repainted a color different than the color approved by the Architectural Control Committee. Roof flashing and other material that reflect light on to neighboring properties are not permitted.