

ARROYO SECO COMMUNITY ASSOCIATION

RULES AND REGULATIONS

[Created pursuant to CC&R 5.03 & Bylaws 3.9(g)]

Effective June 22, 2017

Introduction - This document contains the revised Rules and Regulations, hereinafter referred to as the "R&Rs," of the Arroyo Seco Community Association adopted by the Board of Directors pursuant to the Arroyo Seco CC&Rs, which are recorded in Yavapai County, Arizona. These R&Rs are effective 4/2015, and are subject to the enforcement provisions set forth in the CC&Rs.

Abiding by these R&Rs will protect your property values, maintain good community relations, and keep Arroyo Seco Town Homes an **attractive, friendly, and pleasant place to live.**

Governing Board - The Board of Directors, hereinafter referred to as "The Board," is the governing body representing the Arroyo Seco Community Association, which functions as a nonprofit corporation under the laws of the State of Arizona. The Board has the authority to make these R&Rs based upon all recorded documents. Those documents include, but are not limited to, the CC&Rs, Articles of Incorporation, and Bylaws of the corporation. The Board also has the authority to enforce the R&Rs by all legal means, as outlined in Paragraph 3 below, and as outlined in Section 5.03 of the recorded and amended CC&Rs. These remedies are cumulative, and the Board has the discretion to choose whatever remedy is necessary to enforce these R&Rs.

Severability - These Rules and Regulations are based upon the provisions of the CC&Rs, the Articles of Incorporation and the Bylaws of the Arroyo Seco Community Association, a nonprofit corporation. Should there be any conflict between these Rules and Regulations and the CC&Rs, Articles or Bylaws, said CC&Rs, Articles and Bylaws shall govern. Invalidity of any given paragraph herein shall not affect the validity and enforceability of the remaining paragraphs.

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1. Exterior Modification of Property:

Proposals for any modification to the property must be made to the Association in writing. Your request must clearly identify the specific changes you wish to make. Costs of said changes or modifications will be borne by the Owner unless otherwise determined by the Association.

The Arroyo Seco Association will employ only licensed, bonded and insured contractors for all repairs and maintenance in the Arroyo Seco Community.

- a. All repairs and maintenance in areas covered by the Association must be requested by contacting the property manager, which at present is Spectrum Management Associates. Contact can be made through the Association website at <http://www.smartstreet.org/community/index.asp?spectrum-seco>, by phone (928) 284-9764 or E-mail to SpectrumAZ@Gmail.com. Owners and Tenants shall not contract for any work on the Common Areas of the Association. If a homeowner employs a workman for repairs on his own, the Association will not reimburse the homeowner for the cost of the repairs. If a previous warranty is negated by their independent repairs, the homeowner can be required to take responsibility for this area in the future, relieving the Association from any responsibility.
- b. Skylights are considered windows and are the responsibility of the homeowner. The rest of the roof, including caulking around skylights, is the responsibility of the Association. (Settled in small claims court in December 2008)
- c. The Association carries "bare walls" insurance for damage to homes in Arroyo Seco. Homeowners should carry sufficient insurance (condo insurance) to cover interior damages to homes, including upgrades since original construction and personal property.

- d. Work shall be scheduled and conducted between 8 AM and 8 PM only (except for emergencies).

Any requests for Association related repairs or services must be made to the Association Manager. We ask you to help by being vigilant and report any problems as soon as possible, especially water leaks.

2. Fireplaces

Fireplaces must be in compliance with the City of Sedona Ordinance and Sedona Fire District regulations. Residents are encouraged to provide chimney cleaning on a regular basis to prevent fire and excessive smoke damage. Ashes must be carefully and safely contained in proper containers. Ashes may not be disposed of on any part of the Common Area grounds. Any fireplaces installed after 5/11/2010 must be gas and not wood burning fireplaces. Users of outdoor fire pits should be considerate of neighbors if the device emits smoke.

3. Garage, Yard & Estate Sales:

- a. Garage sales – **Will not be permitted** at any time in Arroyo Seco.
- b. Estate sales - Shoppers can move throughout the house, garage, patios and driveways where furniture is displayed for sale. Merchandise can be displayed outside of the house if it pertains to garden and patio items up for sale. These sales should be organized and conducted by an outside agency rather than the homeowner, but that is not required.
- c. Moving sales - Homeowners can have items for sale appropriately displayed both inside the house, garage and on patios outside the house. These sales are usually conducted by the homeowner, but that is not required.

Designated Community Estate or Moving Sales - merchandise can be displayed in the garage and/or house, or in rear yards and on driveways but not in front yard areas.

- a. Selection of Estate or Moving Sale dates must be pre-approved at least two weeks in advance by the HOA Board. Homeowner must fill out an Application for Sale Permit and send it into the HOA management company, who will attempt to obtain Board approval within three days after submission.
- b. Accompanying the Application of Sale Permit must be a \$500 check payable to the Arroyo Seco HOA. This check is a security deposit to safeguard against damage to the Arroyo Seco community caused by shoppers. If no damage occurs the check will be returned to the homeowner.
- c. Sales will not be permitted on Sundays and must be a maximum of two days in length. The sales must not start before 9 AM and must end by 5 PM.
- d. Homeowners approved to hold sale on specific date(s) can advertise sale in local paper at the owner's expense.
- e. **Paper signs advertising the sale posted within the community are not allowed.**
- f. Each household having a sale MUST have as many people as necessary to supervise parking, which will be limited to one side of street only, as well as the two community designated parking areas. They must ensure that no neighbors'

driveways or fire hydrants are blocked. Traffic cones may be employed to provide the appropriate restrictions to parking.

g. Each household having a sale **MUST** provide monitoring of cars and trucks picking up larger merchandise so that the above parking restrictions are not violated.

h. Signs for the sale may be placed at two entrances to Arroyo Seco off Dry Creek Road one hour prior to the start of the sale and must be removed within an hour after the conclusion of the sale. Recommend placing signs at the first Arroyo Seco entrance as well as the entrance by Remuda Road. The cost of signs will be borne by the homeowner.

Estate sales - These are normally run by an outside agency. It is the responsibility of the homeowner to provide the estate sale personnel with the guidelines approved by the community for the sale.

a. The estate sale must have as many people as necessary in charge of parking to enforce parking on one side of street only as well as the two community designated parking areas. No blocking of neighbors' driveways or fire hydrants is allowed. Traffic cones may be employed to ensure compliance with restrictions. Monitoring of cars and trucks picking up larger merchandise must also comply with parking restrictions.

b. The agency holding the estate sale must be insured and **is not allowed to bring in outside merchandise for sale.**

4. Housekeeping

The only items that may be left outside are barbeques, patio furniture, and planters. Be cautious of the fire hazards posed by these items. Outside areas may not be used for general storage.

No hanging laundry shall be permitted which is visible from the other units or from the streets surrounding the complex.

5. Maintenance Reporting Policy

As everyone is aware, the Arroyo Seco Townhome Association is responsible for certain areas of maintenance and repairs to the entire grounds, pool and pool area, and residences. In particular for the residences, the Association is responsible for the exterior walls up to and including the stucco (exclusive of windows, doors and garage doors), roof and flashings, roofing tile, wood trim and lattice work at the entries, exterior water lines and mains, sewers, irrigation system of the complex and roadways.

The Association is NOT responsible for skylights, interior water leaks, freeze damage to water lines, mold or related issues or termites. An exterior termite inspection is done semi-annually. Therefore, it is incumbent on us to be diligent in reporting any problems to the Association Manager and President of the Association. Owners should also be inspecting their own homes, periodically.

We have reviewed these responsibilities and classified them by Priority 1 (high priority), Priority 2 (moderate priority) and Priority 3 (low priority). That does not mean that all issues brought to the Association Manager and President are not important.

PRIORITY 1:

- A. Any water line leaks on the exterior of the homes and roadways throughout Arroyo Seco.
- B. Major depressed areas in the street pavement that could be an indication of a water leak or sewer line problem.
- C. Roof leaks. (This is of the highest priority and must be addressed immediately. This could be a roofing or flashing issue.) (Inspections are done annually.)
- D. Water leaks in exterior walls which could be a result from stucco cracks, faulty caulking around openings and penetrations, or poor painting coverage. (Homeowners should inspect their homes on a regular basis.)

PRIORITY 2:

- A. General stucco cracks, including hairline cracks. (Inspections are done semi-annually.)
- B. Leaking irrigation system around home.
- C. Broken concrete curbs, sidewalks or major cracks that could make walking hazardous.

PRIORITY 3:

- A. Landscaping issues. (Will be referred to the Landscape Committee – please see separate Landscape Maintenance Policy).
- B. General Painting and Caulking, as noted.
- C. Wood trim and entry lattices, unless there are serious issues, which will move it to a Priority 1.

6. Mischievous Acts and Vandalism

Where the responsible party is identified, costs to repair damage and vandalism will be directly passed on to the homeowner, who is ultimately responsible for the actions of tenants, guests, and their pets. Refer to Sec. 6(d) of the CC&Rs.

7. Motorcycles, Motorbikes, and Bicycles

Bicycles, motorcycles, or motorbikes must be parked in the garage, never on the sidewalks, grass, or any other part of the Common Area. Operation of motorcycles and motorbikes is restricted to streets, driveways, and parking areas. Loud mufflers will be subject to violation under the Nuisance section of these Rules.

8. Notices and Penalties

Notices for violation of the R&Rs and/or CC&Rs shall be given, and a continuing infraction may result in legal action taken by the Board in the name of the Association according to Sec. 5.03 of the CC&Rs. Fines may be levied in

accordance with the CC&Rs and other such policies as determined by the Board. Fines or special assessments can become liens against the property if not paid.

- A. A courtesy notice may be sent for any violation.
- B. Should the violation not be remedied within ten (10) days, a fine of \$50 shall be imposed with second notice.
- C. Should the violation not be remedied within ten (10) additional days, a fine of \$100 shall be imposed with third notice.
- D. Should the violation still not be remedied within ten (10) additional days, a fine of \$100 shall be imposed on a daily basis without any further notice.

9. Nuisances

No activity that is, or may become, an annoyance or nuisance to the residents shall be permitted. Specific nuisances include, but are not limited to, the following:

- A. Failure to clean up after pets
- B. Failure to control pets
- C. Noise that can be heard from adjoining units
- D. Parking of owner vehicles in driveways on a regular basis or for extended periods of time
- E. Blocking of streets and common areas
- F. Failure to keep driveways and patios clean and free of debris
- G. Lights that create discomfort or annoyance and interfere with a neighbor's right to enjoy their property. All lighting must comply with Dark Sky ordinances.
- H. Any interference with a resident's rights of quiet enjoyment. (Per Sedona City Code 8.25.060, quiet time will be observed from 10 PM to 7 AM)

10. Parking Rules

Residents' personal vehicles must be kept in the garage with the door closed. Visitors should be encouraged to park in the parking aprons. Recreational vehicles, trailers, boats and trucks over 3/4 ton must be stored off the premises, or within the garage with the door closed. Such vehicles shall only be allowed for loading or unloading for a maximum of three (3) hours. No vehicle storage is permitted on common parking areas.

Our streets are private and narrow, and parking of vehicles that obstruct them is prohibited, except for temporary loading and unloading and maintenance services to a residence. Contractors making repairs may be allowed during working hours, provided they do not obstruct traffic.

Any vehicle in the guest parking areas that is obviously non-operational or not moved regularly will be considered abandoned and be subject to towing at the owner's expense. If a vehicle must be left in guest parking for more than one day, notify the Board of Directors or Manager for permission to avoid being towed. Guests shall be allowed to park in driveways.

11. Patios

Attached patio covers are not allowed anywhere in the complex. Unattached and easily removable potted plants and flowers may be placed on patio walls, but may not overhang the exterior of any patio area. Patios are to be kept clean, sanitary, uncluttered, and attractive.

12. Pets

Pets shall not be allowed to be a nuisance and must, at all times, be confined and under complete control of the Resident or Guest. The Yavapai County/City of Sedona Leash Law is enforced at Arroyo Seco, and loose pets are subject to being impounded by an animal control officer. Pet Owners must clean up after their pets. Vicious, uncontrollable animals or excessive barking shall not be permitted.

13. Pool and Spa

- a. NO Smoking.
- b. NO pets in the Pool Area.
- c. Absolutely NO glass containers of any kind can be taken into or used in the pool and spa area.
- d. Pool hours will be 9 AM until 10 PM and the pool is open from May through October.
- e. When using the Pool in the early morning or evening hours please monitor your voice level with respect to the rights of your neighbors.
- f. Your key is for the pool gate. The Arroyo Seco pool is a privately owned pool and not open to the public. Owners and tenants may not loan their pool area key to friends to use our facilities at their pleasure.
- g. Please keep all gates and doors closed and locked at all times. Your cooperation in this matter will help us keep unauthorized persons from using our facilities. More importantly, it could prevent a briefly unattended toddler from wandering into the pool area.
- h. Please guard your pool keys with care. Idly placing keys on a table unattached while preoccupied in the pool could result in the theft of keys by unauthorized persons. The replacement of any lost key will cost twenty-five dollars (\$25)
- i. Tampering with pool equipment can cause expensive repairs. Anyone doing so will be charged for the cost of repairs.
- j. Permission for pool parties must be secured in writing from the Association at least five (5) working days in advance of the event.
- k. Children under 14 years of age are not permitted in the pool area without parental or designated adult supervision by someone 18 years of age or older. The presence of undesignated adults in the pool area does not relieve parental responsibility to this rule.
- l. No toddler under the age of three (3) will be permitted in the hot spa and children will not be taken into the swimming pool until they are reliably toilet trained. Diapers, rubber pants, and nude bottoms are unacceptable in the pool. All persons using the pool and spa must be continent.

- m. Persons using the pool or spa must be, or accompanied by an owner or tenant. Guests residing with an owner or tenant may use the amenities; however, all guests must be accompanied by the owner or tenant while guests are at the pool facility.
- n. Persons with hypertension, cardiac disease, or other physical conditions should strictly follow their doctor's orders when using the spa.
- o. All persons using the pool and spa must wear proper swim attire. No cut-offs or street wear.
- p. The excessive use of suntan oils can cause serious problems to the pool filtering system. When swimming with oils on your body, the oil leaves your body and passes through the filtering system where it becomes entrapped in the fine pores of very expensive filters. This greatly reduces the life of the filter and causes much more frequent and expensive replacement. This problem can be virtually eliminated if those who use oil will wipe the excess oil from their bodies before entering the pool and especially the spa.
- q. Aggressive water games, such as water polo are not permitted.
- r. No diving, rough or boisterous play, such as dunking, running, shoving, or pushing is permitted. Jumping off poolside furniture into pool is not permitted. No person shall cause poolside furnishings to be in the pool.
- s. Please confine long hair to a bathing cap, braids, or rubber bands. Absolutely NO bobby pins or metal barrettes or combs. If they should become lost and fall to the bottom of the pool the inevitable rust stain is impossible to remove without expensive draining of the pool.

14. Rentals

Tenants, like homeowners are required to observe the R&Rs governing residents of Arroyo Seco. Homeowners shall include a statement to this effect in the rental agreement or lease. All rental agreements and leases shall be subject to the CC&Rs, Bylaws and Association Rules and Regulations. The lease or rental agreement shall provide that failure to comply with any of the foregoing is a default under the lease and a violation for the homeowner.

Owners who rent their Property must provide the Association the name and contact information of the person authorized to manage the Premises and Act on Behalf of the Owner for Receiving Services of Process, Notices, and Demands. If the owner lives out of state, such notice must also be filed with the Yavapai County Assessor on their forms.

The Association provides a Tenant Notification form on the Association website at: <http://www.smartstreet.org/community/index.asp?spectrum-seco> that must be completed for each rental of a property. Tenant must sign and date the Tenant Notification form and a copy must be provided to the Association prior to the rental period. The Board is authorized to impose fines for noncompliance with this paragraph, as with any other violation of the Rules and Regulations.

Leases shall be for no less than thirty (30) days per CC&R 3.01.

15. Safety

For reasons of potential liability and property damage, the following activities are not permitted in the complex:

- a. Walking on tile roofs and patio walls
(Contact Manager or the Board for permission prior)
- b. Bouncing balls off buildings or walls
- c. Use of slingshots, BB guns, or firearms
- d. Batting balls
- e. Archery
- f. Throwing stones or any other items
- g. Riding skateboards
- h. Sledding
- i. Playing in the streets

The Arroyo Seco Association and the Board take no responsibility for unsafe activities of residents or their guests. Residents should take care to observe their family and guests and discourage any dangerous activities.

16. Satellite Dishes

Satellite dishes are allowed on the roofs with the prior written approval of the Board using the Architectural Change Request form, but must be positioned as to not be visible from the ground or other homes and the mounting may not penetrate the roofing membrane.

17. Security

If you have an emergency, dial **911**. Report thefts or vandalism to the Sedona Police Department at **(928) 282-3100**. Follow-up by notifying the Arroyo Seco Board and Manager.

18. Speed Limits

The safe and practical speed within the complex is fifteen (15) miles per hour. Keep to the right side of the street and use caution in areas of restricted visibility.

19. Sunscreens

Sunscreens are allowed with the prior written approval of the Board using the Architectural Change Request form. Such sunscreens must be professionally installed and match the exterior color of the home. Owner hereby releases the Association from any damage that may be caused from or by the installation of such sunscreens. Reflective window foils are not permitted.

20. Trash

Trash containers shall not be placed outside sooner than 1 day prior to the scheduled pickup day and shall not remain out past the pickup day. If the owner is away, arrangements need to be made to move the container out of sight.

21. Vehicle Maintenance

Major mechanical repairs, overhauls, or bodywork are prohibited. Exercise caution with vehicle fluids and immediately clean up any spillage.

22. Violation Complaints

All complaints shall be submitted to the Board or its Association Manager in writing. Verbal complaints will not be accepted. Any complaint may be subject to the name of the person filing the complaint being released to the person receiving the complaint. When a violation of the R&Rs and/or CC&Rs is brought to the attention of the Board, written notification will be sent to the homeowner. If resolution is not achieved within the time specified in the notice, sanctions may be imposed. The Board or its Association Manager may, but is not required to, attempt informal personal contact with the involved person to accomplish resolution.

For **any** exceptions to these Rules, to report violations, or for any questions contact Spectrum Management at (928) 284-9764.