

Desert Palms Townhouse Association

RULES AND REGULATIONS Revised February 2018

BACKGROUND

When you moved into your townhouse, you agreed to abide by the Articles of Incorporation, Declaration [Covenants, Conditions and Restrictions (also known as the CC&Rs)], and By-laws of Desert Palms Townhouse Association. These supplementary Rules and Regulations are authorized by the By-laws and were adopted by the Board of Directors.

PURPOSE: The purpose of these Rules and Regulations is to provide a guideline for all Desert Palms residents so we all may enjoy our community to the fullest and protect the investment made in our property. We ask that all residents observe them out of respect and courtesy to the neighbors.

VIOLATION of these Rules, CC&Rs, Bylaws or Articles of Desert Palms Townhouse Association may result in a \$50.00 fine per unresolved violation.

1. An owner who receives a "Notice of Violation (Friendly Reminder)" and disagrees with this, may respond to Management in writing, within ten (10) days of the date of the notice. At that time the Association shall send the owner the following information:
 - a. The provision of the governing document that has been allegedly violated
 - b. The date the alleged violation was observed
 - c. The first and last name of the person reporting the alleged violation
 - d. The process for the home owner to contest the allegation.
2. If said violation is not resolved to the satisfaction of the Board within thirty (30) days of the **original** Notice date, an owner will receive a "Second Notice with Intent to Fine" and may respond to Management, in writing within twenty-one (21) days, to request a hearing.
3. An owner receiving a "Third Notice" within thirty (30) days of the second notice date, will be fined \$50.
4. If the violation continues in an unresolved manner, an additional \$50 fine may be imposed for every 30 days that the violation persists. Other penalties may also be imposed including loss of voting rights and exclusion from pool usage.

MEETINGS--ANNUAL AND BOARD OF DIRECTORS: The Association By-laws require an Annual Meeting of unit owners on the third Tuesday of January each year. Notice of this meeting will be given by mail in advance of the meeting. Absentee Ballots will be sent to all owners to be used if an owner cannot attend the meeting. The absentee ballot will set forth each proposed action including filling vacancies in the Board of Directors, provide a means of voting in favor of or against any proposed action and specify the date by which the ballot must be returned in order to be counted. All meetings of the Board of Directors will have prior notice posted at the pool area.

PROPERTY LINES: On the north side of the street, an owner's property extends 106.0 feet from the street. The property line ends at the "apron" which connects the carport or garage to the alley. On the south side lots extend 114.0 feet, (approximately three feet beyond the outer wall). Maintenance of the alley and the three ft. beyond the wall is the responsibility of the owner. The Deed provides for a 10-foot easement directly behind the patio wall for utility lines and maintenance.

RESPONSIBILITIES OF OWNERSHIP: Your monthly maintenance is due by the 1st of the month and delinquent by the 15th. No monthly statements are sent out. Checks are to be made payable to DESERT PALMS TOWNHOUSE ASSOCIATION and should be mailed or taken to the management office. For your convenience, a small, locked box is located in front of the association treasurer's townhouse (presently 8908 E. Palms Park Dr.) and payments may be placed there. Electronic payments from your financial institution are also accepted. Delinquent monthly assessments will incur a late fee of \$10.00 for the first delinquent month and an additional \$10.00 for each subsequent delinquent month. After a delinquency of three (3) consecutive months, a lien will be placed on the property. The maximum annual assessment may be increased each year no more than fifteen percent (15%) above the assessment for the previous year without a vote of the membership.

SPEED LIMIT: As posted at the entrances to East Palms Park Drive, the maximum speed permitted is 10 mph.

NO SOLICITING or TRESPASSING: As posted there is no soliciting homes and no trespassing on our private road or other areas.

PARKING RULES: The alley area behind the south side units is private property; prior permission must be obtained from your neighbor if your parked vehicle (along outer wall) extends beyond your property. Be aware that you do not have an implied right to park beyond your property line in the front yards. You must move your vehicles when requested.

The North side alley does not belong to the Association, except for an "apron" that connects the garage or carport with the alley. Parking in the alley may not block public access.

There is no curb parking permitted at the east and west ends of our streets. When parking on the street be careful not to block driveways or block access to a mailbox. Vehicles must be pulled completely into carport so that the rear end does not extend into the street.

THERE IS NO PARKING ON THE FRONT YARD AT ANY TIME.

Vehicles belonging to residents living on the south (Speedway) side of the street or their guests may be parked in the alley behind the unit. No vehicle parked in the alley can obstruct the free movement of any other vehicle. All vehicles must be positioned close to the outermost wall, allowing for passage of large vehicles, including trash collection and emergency vehicles. Vehicles so parked may not be stored there for an indefinite period.

Motor Home parking may be for only two or three weeks maximum.

Commercial vehicles, trailers, campers, house trailers, boats, construction or like equipment are prohibited from parking on a townhouse lot unless in the garage or carport in an orderly manner.

Any vehicle parked in violation of these rules may be towed away at the owner's or tenant's expense.

LANDSCAPING RULES: The landscapers are not responsible for any flowers, shrubs, rosebushes etc. planted by the homeowner. In case of irrigation emergency, homeowners should contact the Property Manager or any Board member. **HOMEOWNERS MAY NOT ALTER THE IRRIGATION SETTINGS.**

Dead trees and shrubs, as determined by the Landscaping committee, will be replaced by the Association's landscaping company at no cost to the owner. Dead trees will be cut off at or slightly above ground level by the Association's landscaping company. If the homeowner wishes a stump removed, it will be done at the owner's expense and not during the Association's landscaping company's normal working hours. Such stump removal requests must be placed with the Property Manager. Homeowners must not trim, cutback or remove a plant, shrubbery, or trees maintained by the Association landscapers. Live trees and shrubs will be removed only if approved by the Board or Landscaping Committee and will be at the owner's expense. Homeowners who wish to remove and replace live trees or shrubs must submit their request to the Property Manager. Replacements must be selected from the Association's approved plant guide. Homeowners must employ only qualified landscapers, which must be indicated in their proposal to the Board. This is to ensure the safety of association members and the integrity of the irrigation lines. All work must be completed within thirty (30) days after beginning the project.

Please be aware that your outside walls may need to be repainted as part of your landscaping project. All private projects must be done separately from the Association landscaper's contracted work schedule. All landscaping requests should be placed with the Property Manager: Please do not discuss any landscaping issues with the landscapers during their contracted work schedule.

EXTERIOR LIGHTING: Each townhouse owner furnishes electricity to either a front or back light. For conformity of appearance, safety and to insure a well lighted area, all lights at the front and rear of your unit must be illuminated during hours of darkness. This includes lighted house numbers, front post lamps and rear patio wall and alleyway lights. Owners on the north side are responsible for maintaining a functioning spotlight on their garage or carport (dusk to dawn).

Non-functional lights should be reported immediately to the property management company. Be sure to give the location of the fixture. Light bulb replacements are made, as necessary, by the Association. The Association is not responsible for replacement of bulbs or fixtures personally installed by owners or former owners that are controlled by a sensor or their own switch.

Mailboxes will be inspected by the Association and repaired or replaced as needed.

COMMON AREAS: The Common Areas of the Association are the east and west end of the 8900 block; the east and west end of the 9000 Block; the pool area; the small areas between 9043 and 9049, 9040 and 9046; and the Association streets in the 8900 & 9000 blocks.

POOL: Cleaning of the pool and application of chemicals are accomplished by professionals. Pool Committee members check the chemicals and keep the pool area clean. Please do your part by taking any personal items with you when leaving the pool area.

The pool is for the exclusive use of Desert Palms residents and their guests. Residents with communicable disease may not use the pool. Proper pool attire is required and cutoffs are not permitted. Boisterous conduct, rough play and running in the pool area are prohibited. Do not bring glass into the pool area.

Each infant or child aged six years and under must have a minimum of one-to-one adult supervision at all times. Adult supervision is required for all children 13 and under. Babies must wear "swimmers," not regular diapers.

Animals are not permitted in the pool area. Please keep pool area clean by disposing of your trash in the proper receptacles when you depart. **STATE LAW REQUIRES THE GATES TO BE CLOSED AND LOCKED AT ALL TIMES. DO NOT PROP THE GATE OPEN WITH ROCKS, CHAIRS, ETC. DO NOT OPEN THE GATE FOR ANYONE NOT IN YOUR PARTY.**

No lifeguard is on duty---swim at your own risk. All posted rules must be observed at all times. Violation of any of these rules may result in loss of pool privileges and a fine.

Parking in front of the Pool is limited to those using the Pool during swimming season. During the "off season" only, the parking area may be used for temporary guest parking.

Each owner has been issued two pool keys, one for the gate marked "Do Not Duplicate" and one for the restrooms. Lost keys must be reported to the Management Company and will be replaced for \$7.00.

If you are the last person to leave the pool area in the evening, check to see that restroom lights are off, the water is turned off, the restroom doors are locked, and the gate is secured.

Any resident who wishes to host a party or similar event at the pool must contact Management for scheduling. There is a fully-refundable fee of \$75.00. This is refunded after the event, when the premises are clean, including removal of trash. Be aware that other residents may use the facilities during this time.

VACATING TOWNHOUSE TEMPORARILY: When you plan to depart your home for any extended period of time, give Management the name and phone number of the person who has a key and who will regularly inspect your townhouse. In addition, you may appoint an agent to represent you; please notify the Association Manager with contact information. Board members do not wish to enter your home but may require your representative to check the interior in the event of a fire, water or gas emergency. It is necessary to be alert to such problems in order to avoid undetected problems that could affect our insurance coverage premiums and ultimately your pocket book.

DO NOT TURN OFF THE ELECTRICITY SINCE EXTERIOR LIGHTING IS REQUIRED.

SALE OR LEASE OF PROPERTY: If you plan to sell or lease your home, make sure that prospective tenants or new owners are aware of the contents of the Governing Documents of the Association. Buyers will be furnished with copies through escrow. Owners that lease their properties must supply a copy of all of the Official Documents, including the Covenants, Conditions & Restrictions, the By-Laws, and these Rules and Regulations to their tenants, along with notifying Bidegain Realty, the Association Manager, a copy of any lease agreement, vehicle descriptions, license numbers. **Owners should be aware that they are responsible for the behavior of their tenants and will be noticed and fined for failure to follow the Covenants, Conditions & Restrictions, the By-Laws.**

ARCHITECTURAL CONTROL: Anyone considering structural alterations, changes or additions to their unit, must obtain written consent from the Architectural Committee. Contact the Association Manager for the necessary forms.

The exterior of each property will be inspected yearly by an Architectural Control Committee. Owners will be notified of needed repairs.

PETS are permitted in the complex; weight must not exceed 35 pounds. Dogs must be on a leash at all times and cats must be confined to the owner's property. No animals, insects, reptiles or other than two domestic small house pets such as small dogs, cats, small & caged birds or fish (in proper tanks) are permitted. Each owner is responsible for his/her pets, making sure they do not create a health hazard or nuisance. Owners must clean up after their pets from lawns, streets, common areas, and in alleys.

TRASH COLLECTION: The City of Tucson picks up trash and recyclables and furnishes and maintains the containers. Homeowners pay for this service as part of their water bill. All trash must be placed **INSIDE** the containers. Wet garbage must be in plastic bags, closed securely. No building materials, hazardous waste, unwrapped animal waste or hot ashes may be placed in containers. The current collection day is Tuesday.

INSURANCE: The Association carries a blanket policy with Community Association Underwriters of America, Inc. Contact the Property Manager regarding claims. Each homeowner will be provided a brief synopsis of the coverage of our policy. The master policy is at the management office and may be obtained with a written request. When duplicate copies are needed, for example for your loan servicer, or property management, paper copies will be charged at \$0.10 per page or at no cost via email. Please note that under the master policy, no coverage is included for personal property (the contents of your unit) or personal liability for events that occur inside your unit. Each home owner and tenant must obtain appropriate homeowners or renters insurance at their own cost.

WATER: In the event of an emergency, may not shut off the sprinkler or bubbler valve, notify the management company or a Board Member immediately.

PAINT COLORS: The only approved exterior colors are Desert Palms White and Desert Palms Brown. Such colors are custom mixed and are available at DUNN EDWARDS, 7525 E. Broadway at Prudence or other locations. 520-296-3875. Ask them about AARP or Association discounts.