

## Contents

**I. Rules & Regulations:** These Rules and Regulations are adopted by the Board under **(CC&Rs Article 6 & By Laws 4.10 & 4.16)** of the Fountain Park Declarations and are intended to complement the existing Fountain Park CC&Rs, By Laws, Local and State laws. In the case of any inconsistency between the CC&Rs, the By Laws and Rules, the State and Municipal laws will govern, then Fountain Park CC&Rs, then the By Laws, and then these Rules & Regulations. These Rules and Regulations supersede all previous policies and resolutions.

**II. Definitions, Inspection & Enforcement:** Provides definitions and explains the inspection process and the enforcement procedure.

## I. Rules & Regulations

### 1. Assessments

Assessments are due monthly on the first day of each month. Appropriate instructions are given on your coupons for payment of all assessments.

If assessments are not paid within 30 days of the due date they are considered delinquent and subject to a late fee. The late fee is \$5.00. Interest will be charged at a rate of no less than 15% **(CC&Rs 9.7)** on all unpaid assessments.

### 2. Common Walls, Gates, and Iron Barriers

For the safety of all Fountain Park Association residents, the climbing of common walls, metal fencing and gates is prohibited. If common walls are climbed or damaged violators may be fined, made to pay for any damage, and/or reported to law enforcement. If children violate this rule, the parents or guardians will be held responsible for any damage. Climbing on gates is inherently dangerous and prohibited at all times.

### 3. Home Maintenance & Standards

Building structures (both front and back) should be kept in good condition and are the sole responsibility of the owner. Homes should be maintained to preserve the appearance of the neighborhood **(CC&Rs 6.1 & 6.2)**.

- A. House walls and perimeter yard walls /fences should remain free of cracks, stains, mold or obvious signs of damage. Fencing should be painted the approved HOA colors.
- B. Windows should not be cracked, broken or missing. Non-reflective material must be approved by the ACC committee before installing or applying film on windows.
- C. Window screens should be in good condition (not bent or torn) and secured in place.
- D. Doors and gates should be secured in place and in good condition.
- E. Garage doors are to remain closed except when in use and must be free of damage.
- F. House Exterior, trim, wrought iron, and security windows and doors must be painted an approved HOA color or black.

#### **4. Exterior Paint**

Exterior Paint must match, standard Fountain Park Homeowners Association colors, i.e., Cienega Brown, Fountain Park Beige and Weathered Coral. These colors must be purchased from Dunn-Edwards Paint, and applied as purchased. (Note: Purchaser is entitled to a Fountain Park discount on the purchase of the paint. Fountain Park HOA Discount codes are on file at the Broadway & Prudence store).

- A. Check the website for more details on the base and the trim colors for the homes and walls.
- B. All exposed wood fencing must be painted in the approved colors.
- C. All wrought iron shall be painted black or one of the approved colors.
- D. All slump block walls visible from the street shall be Cienega Brown with a trim color for the cap.
- E. House Exterior, trim, wrought iron and security windows and doors must be painted an approved HOA color or black.
- F. The Board has the authority to require the homeowner to paint their home if it shows signs of streaking, peeling, fading or signs of unevenness.

#### **5. Exterior Light**

Exterior Lights are the only source of lighting for our streets. Homeowners are responsible for ensuring light fixtures are in working order with bulbs of a yellow or white illumination. All exterior light fixtures should be a brass/bronze tone. Check with the management company if you have additional questions.

#### **6. Home Improvements**

Improvements, alterations, repairs, or other work done to the exterior of any lot (front or back) and that can be seen from neighbors, requires prior approval of the Fountain Park Association Board after review from the Architectural Control Committee (ACC), including any modifications to the following:

- A. Walkways, driveways, any exterior changes
- B. Front door
- C. Windows, sliding doors (unless you are replacing windows & sliding doors with the same bronze trim) and/or security gates
- D. Awnings (currently not approved in Fountain Park unless through special consideration by the board)
- E. ACC recommendation and Board approval will be made based on a goal of achieving a consistent architectural design flow within the community.

Once Fountain Park ACC approval is received, you will be notified by the management company. (ACC form is available on the website or from the management office).

The Board has the authority to require correction of any non-conforming changes made to a home.

#### **7. Adornments, Lighting and Decorations**

Homeowners are responsible for the maintenance and repair including replacement of light bulbs of all exterior lighting fixtures located within the owner's lots (**CC&Rs 6.2**)

- A. Temporary, holiday related items may be placed on lot no earlier than **45 days** prior and no later than 15 days after, any generally recognized holiday. *(45 days approved 11.13.2019 board mtg).*
- B. Permanent adornments including lighting and exterior decorations should complement the consistent style and theme of the neighborhood and be generally acceptable to the community.

## 8. Landscaping

Homeowners are responsible for the maintenance of all landscaping on their lot.

### Inspections may be made on the following:

- A. Homeowners are responsible for maintenance and watering of all visible potted plants.
- B. Plants must be pruned and maintained.
- C. Dead trees, palm fronds, tree stumps, dead bushes and other dead vegetation must be promptly and completely removed.
  - 1. Do not throw your landscaping debris over your walls or into the wash area. Dispose of properly.
- D. Tree Encroachment – Owners shall remove any trees (to include stump grinding) or shrubs from their lot which causes damage to association common area property or their neighboring properties. Owners are also responsible for any costs to repair such damage. **(CC&Rs 4.2)**
- E. Lot line and other landscaping issues between neighboring properties need to be resolved between owners.
- F. Decorative rock to be a muted earth tone.
- G. Front yards, side yards and curb lines must be kept weed-free.

## 9. Nuisance

Refer to **CC&Rs 2.8 (page 8)** for more details. Nuisances are to be reported to the management company in writing. Anonymous faxes, letters or other forms of anonymous complaints will not be considered. (Email is acceptable).

## 10. Parking

- A. Parking is preferred in your garage or driveway. There is no parking on any aspect of the yards.
- B. Repairs of vehicles must be done inside the garage.
- C. NO oversized vehicle, commercial-type vehicles, boats and other recreational vehicles are not to be stored in the subdivision. No parking on City Street for more than 48 hours.
  - a. **Section 20-263 Recreational Vehicles; Commercial Vehicles.**: It is unlawful to park any recreational vehicle, on the same block of any street or roadway or right-of-way thereof for any portion of any two (2) consecutive days.  
**(Ord. No. 10418, § 3, 6-12-07)**
- D. Parking on city streets are is subject to applicable law of 72 consecutive hours.

## 11. Pets

- A. **Leashes:** Dogs are to be kept in a fenced yard or on a leash at all times and may not run free **(Pima County Code, section 6.04.030)** The owner of a dog that is found “at large upon the

streets, sidewalks, alleys, or public property” is guilty of a Class 2 misdemeanor.

- B. **Noise:** Prolonged or Excessive noise from animals is a civil violation. There is a complaint process for noise through **Pima Animal Care Enforcement at 520-243-5900**. For more information visit: [www.pimaanimalcare.org](http://www.pimaanimalcare.org).
- C. **Pet Waste:** is to be removed immediately by the pet owner. It is unlawful for the owner or the person with custody of the dog to fail to promptly remove and dispose of in a sanitary manner any solid dog waste deposited on public property or on private property without the consent of the property owner. A person who commits such a violation is guilty of a Class 3 misdemeanor.

## **12. Pool**

The pool facilities are a private common area amenity paid for by the homeowners. Residents are responsible for their guests at all times. All residents are to take responsibility for keeping all amenities secured; for safety as well as deterring vandalism.

**Follow posted pool rules.** The pool rules are posted on the west side of the ramada structure.

**NOTE: Any owner or their guest caught damaging or vandalizing common area property will have use of amenities revoked. The Association will seek legal recourse to recover costs of damage to any HOA community property.**

**PETS ARE NOT ALLOWED IN THE POOL AREA – PIMA COUNTY HEALTH CODE.**

## **13. Rentals**

Rentals are allowed in Fountain Park. (**Fountain Park CC&Rs, Article 2, Use and Restrictions, 2.3 Renting**). All tenants are required to abide by all CC&Rs, Rules & Regulations. Owner is responsible for tenants in their property.

- A. **Section 2.1 - Private Residential Purpose Only** - Each lot may be used only for single family residential purposes only.
- B. If you rent your unit (**Arizona's Planned Communities Act 33-1806.1 Section C,**) you are required to complete the Rental Information Form and return it to the management company within 10 days after the rental begins. The form is located on the website or the management office.

## **14. Sales Estate, Garage & Community**

These activities are allowed in Fountain Park. Please notify the Management Company if you would like to notify the community via email broadcast.

## **15. Satellite Dish, Antennas or Over-the-Air Reception Devices**

Refer to **CC&Rs Section 2.4** and OTARD FCC Ruling

## 16. Signs

Real estate signs may be placed in homeowner's yard when needed. Security Company signs less than one square foot may be placed in the yard. **Advertising and Promotional signs can only be displayed for the duration of the work project.** Political signs are permitted as long as they comply with the AZ Revised Statutes, as revised from time to time. **(ARS 33-1808)**

## 17. Storage Pods

Storage pods are allowed on driveway or in garage for a maximum time of 72 hours unless special arrangement are made with Board approval

## 18. Trash/ Recycle Containers

Trash & recycle containers are to be concealed; stored in the garage or behind your fenced area. Containers should be placed on curb for collection the evening before collection and must be removed on the evening of collection. ***Please ensure all trash is placed in plastic trash bags inside your trash to avoid animal invasion.***

## 19. Inspection of Association Records

Any association member (or his/her designated agent) may, after having made a request in writing, inspect permitted financial and other records of the association as defined by **ARS 33-1805** or most current AZ Revised Statutes. Comments, suggestions or concerns must be in writing and may be mailed to the property management company or sent via e-mail to the board of directors. Should the situation require immediate attention, please call the management office and the board will be notified.

Additional guidelines are located in the Declaration of CC&Rs and the Bylaws. Homeowners and the Association must also follow City of Tucson Ordinances, Pima County Ordinances, Master Association Governing documents, State Laws, and Federal Laws.

## II. Definitions, Inspection & Enforcement

### Infraction

Failure to comply with the CC&Rs, The Bylaws, the Rules and Regulations and the Architectural and Landscaping Guidelines and any other guidelines adopted by the Board of Directors and as outlined by the Association. In the case of an infraction, the board will offer up to two (2) reminders to correct the problem, at which point, if the owner has not corrected the infraction, the situation will be brought before a hearing committee, where a further level of enforcement action may be taken.

### Inspection Process

Front yards and common area inspections will be held monthly by the Management Company. If upon inspection, or as a result of a legitimate complaint filed in writing by a Fountain Park Association resident, a member is in noncompliance with the Covenants, Conditions and Restrictions (CC&Rs), Rules, or other governing document, the homeowner will be notified. All infractions and violations will be recorded by the authorized inspector and kept on file following the inspection.

### Non-Compliance or Violation

A situation that has progressed to the point that the Board believes an imposition of fines may be required to obtain corrective action. A violation may be deemed as repetitive if the noncompliance is continuing, and the issue has not been resolved between the homeowner and the Board. This could result in continued fines until a resolution has been reached.

### Enforcement Process – In Accordance with AZ Revised Statutes

**STEP I:** When an infraction of the CC&Rs, Bylaws, Rules and Regulations, or Architectural and Landscape Guidelines has been observed by the management company or submitted in writing by a Fountain Park Association resident, the homeowner will be notified by letter as a “**Friendly Reminder**” to comply.

**STEP II: Notice of Violation:** If the violation or non-compliance continues **(21) twenty one** calendar days beyond the date the “Friendly Reminder” is sent or if the same rule or provision of the Governing Documents is subsequently violated within 90 days of its resolution, a written “Notice of Violation / Non-Compliance, together with a request to Cease and Desist from the “repeated” violation shall be sent to the owner of the Lot (and property manager, if applicable). The letter will contain information required by AZ Revised statutes. The homeowner is responsible to take corrective action within **(21) twenty one** calendar days, unless (depending on the infraction) immediate correction action is to be taken as determined by the board. **However, parking violations are to be corrected immediately.**

**STEP III:** If corrective action is not taken within **(21) twenty one** calendar days of the date of the "Friendly Reminder" or the same infraction is noted on a second inspection, the homeowner will be sent a letter entitled "2nd Reminder" by the managing agent advising him/her that the Board of Directors is requesting the infraction be corrected within fifteen (15) days. In order to officially

document that the infraction will be or has been corrected, the homeowner shall contact the managing agent with an action plan stating when the infraction will be corrected or that the infraction has since been corrected.

**STEP IV:** If corrective action is not taken within fifteen (15) days, a "**Notice of Violation and Hearing**" will be sent by certified mail, return receipt requested, to the homeowner (and or property manager) by the managing agent. This notice will contain the following information:

The nature of the alleged violation(s);

The date(s) on which the violation(s) was/were observed;

The time and place of the hearing, which shall not be less than seven (7) days from the date of the notice;

An invitation to attend the hearing and produce any statement, evidence, and/or witness on his or her behalf; and

Sanctions to be imposed shall include a **\$100 fine**.

At the hearing the homeowner will be given reasonable time to make a statement, and present evidence or a witness on his/her behalf. The Board of Directors will deliberate and may or may not impose a fine. The board may also take action to correct the violation and bill the homeowner for the cost of remediation.

If you feel the issue cannot be resolved through the Enforcement and Hearing Procedure, you have the opportunity to file a petition for an administrative hearing through the AZ Dept of Real Estate. To find out more about applicable fees and procedures visit [www.azre.gov](http://www.azre.gov)

If the homeowner or the homeowner's designated representative fail to appear before the Board, the board may impose a fine *in absentia*.

Once a fine has been imposed the homeowner will be sent notification and given fifteen (15) days to pay the fine. If the fine is not paid, the Board may authorize legal action, and the homeowner will be responsible for all attorney fees and costs.

**Violations remedied after a penalty fine has been assessed, does not necessarily cancel the fine.**

#### **Fine Schedule**

Board imposed fine: **\$100 may be imposed after scheduled hearing. \$100 will be assessed for each 30 days the violation has not been remedied.**

**When the fines reach \$500.00, the debt will be turned over to a collection agency.**

These Rules and Regulations of the Fountain Park Association were voted on and passed by the Board of Directors on this **9<sup>th</sup> day of August, 2017** and supersede all previous Rules, Resolutions and Policies. These Rules are in addition to and consistent with the Master Association CC&Rs, Declaration, the Articles of Incorporation, and the Bylaws of the Association.