

## RULES & REGULATIONS

By resolution of the board of directors on February 13, 1007, the association has adopted the following rules and regulations governing the conduct of homeowners, residents and guests of residents of Cortez Groves. This document was updated by the elected board of directors on February 13, 2008.

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## **ARTICLE 1: MOTORIZED VEHICLES**

Only licensed private, non-commercial vehicles may be operated in or parked in Cortez Groves. This includes private passenger cars, light utility vehicles and pickups with a capacity of  $\frac{3}{4}$  ton or less, small camping trailers, small boats and their boats trailers.

The following vehicles are expressly prohibited in Cortez Groves:

- 1.1. Utility vehicles and pickups with a capacity of more than  $\frac{3}{4}$  ton
- 1.2. Commercial vehicles and equipment
- 1.3. Unlicensed off road vehicles
- 1.4. Recreational vehicles which will not fit entirely within the carport
- 1.5. Boats and boat trailers which will not fit entirely within the carport
- 1.6. Motorized skateboards or scooters
- 1.7. Vehicles which are excessively loud
- 1.8. Vehicles which are leaking fluids

The prohibition against commercial vehicles does not apply to light utility vehicles and pickups used by a resident in his or her employment so long as that vehicle is properly parked in the carport of the unit in which that person resides.

The prohibition against commercial vehicles does not apply to vehicles making deliveries or pickups, or to vehicles and equipment of a contractor used for repair or maintenance of a unit or of the common property.

## **ARTICLE 2: PARKING**

Vehicles parked in a unit's carport must not extend beyond the curb line of the carport.

- 2.1 Parking is expressly prohibited in designated fire lanes.
- 2.2 Camping or living in a vehicle within Cortez Groves is expressly prohibited.

## **ARTICLE 3: PROHIBITED VEHICLE ACTIVITIES**

No vehicle repairs of any kind may be performed within Cortez Groves. The only exceptions are starting of a stalled vehicle or entry in case of a lockout.

Except for non-motorized bicycles, skateboards or roller-skates, no vehicle may be operated in the common areas, on walkways or on the grass areas.

Persons riding bicycles, skateboards or roller-skates on walkways must yield to pedestrians.

Nothing in this article shall be construed to prevent the use of any wheelchair or similar vehicle used by a handicapped person to increase his to her mobility.

#### ARTICLE 4: ANIMALS

The association and its members will adhere to City of Phoenix Codes and Ordinances. If violations are ignored the member will be reported to City Authorities. This section is also referenced in the CC&Rs, Article X, Section 3.

These rules apply to pets owned by homeowners, residents and their guests. Homeowners are ultimately responsible for all pets and violations, guests should be advised of these regulations by the owner.

- 4.1 No pet of any kind is allowed in the pool area.
- 4.2 Livestock, swine and fowl are prohibited in Cortez Groves and residents may not keep such animals.
- 4.3 Dogs, cats and other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose.
- 4.4 **All pets are restricted from common areas unless they are kept on a leash and are under the direct control of a responsible adult and they must not be tethered.** (Phoenix City Code Ord. No. G-1872, § 3; Ord. No. G-1909, § 3; Ord. No. G-2932, § 2; Ord. No. G-3224, § 2; Ord. No. G-3832, § 2; Ord. No. G-4578, § 3, passed 2-11-2004, eff. 2-11-2004; Ord. No. G-4988, § 2, adopted 10-3-2007, eff. 11-2-2007)
- 4.5 Pet owners are responsible for picking up any droppings by their animal immediately after it is deposited.
- 4.6 Pet owners are responsible for controlling the behavior of their animals. **This includes the control of aggressive behavior and excessive noise.** (Phoenix City Code 1962, § 8-2; Ord. No. G-4762, § 1, adopted 12-14-2005, eff. 1-13-2006)

4.7 Each resident has the right to the peaceful enjoyment of his or her home including the patio area and the common area. It is unlawful for any person to keep or maintain any animal or bird in the City in a manner likely to disturb the peace, comfort or health of any person residing within the City. (Code 1962, § 8-6; Ord. No. G-1367, § 1; Ord. No. G-4776, § 1, adopted 2-8-2006, eff. 3-10-2006)

4.8 Habitual barking by dogs, howling by cats, or squawking of birds is expressly prohibited in Cortez Groves.

#### ARTICLE 5: CHILDREN

Children under the age of eight (8) years old must be supervised by a parent or other responsible adult while playing in the common area.

The unit owner is responsible to the association, other unit owners and residents for the behavior of his or her children, children of tenants and children of guests.

As noted in the CC&Rs, Article X: Use Restrictions, Section 4; "...Further, no business activities of any kind whatever shall be conducted in any building or in any portion of the premises." This is specifically noted to remind owners and residents that paid child care should not be occurring on the property. Operation of a child care is a major violation and will be reported to the proper authorities.

## ARTICLE 6: APPEARANCE

Residents are prohibited from storing anything in the carports or common areas of Cortez Groves except vehicles as prescribed in Article 7 below.

Residents are prohibited from hanging anything on the fence of the patio area or common area. Anything stored in the patio area must be placed out of sight of neighbors.

Plantings (including trees) in the patio area which are visible to your neighbors must be kept neatly trimmed.

As noted in Section 5, Article X of the CC&Rs, all clotheslines shall be confined to patio areas.

As noted in Section 6, Article X of the CC&Rs, "Except in the individual patio areas, no planting or gardening shall be done..." For many years, this property has allowed homeowners to landscape the front of their unit as desired. However the original plans included hedges underneath all windows. If your unit has hedges, the association will maintain the trimming and growth of those hedges.

Any other plants or landscaping is the responsibility of the homeowner and should meet the following requirements:

- 6.1 Plants and flowerbeds should be maintained so that they do not extend past the doorstep or outside your property line.
- 6.2 Gravel, pavers and brick edging are allowed if professionally placed and match the current colors of our property.

- 6.3 Decorative elements are allowed as long as they are in good taste, condition and match the current colors of our property.
- 6.4 Potted plants are allowed as long as the plant is alive and well cared for.
- 6.5 Furniture in front of the unit is prohibited.
- 6.6 Weeds and grass beneath the windows are prohibited.
- 6.7 Trees, shrubs, vines and other foliage should not touch any part of the roofs as they can cause damage to your structure.

## ARTICLE 7: TRASH COLLECTION

Covered trash containers may be kept in the back of the carport (near the house) for the collection of trash.

**All trash must be bagged and boxes must be broken down.**

These containers may be placed at curbside in the carport no earlier than 6:00 PM the day before a scheduled pickup. The containers must be removed from curbside promptly after trash pickup, but no later than 6:00 AM the day after trash pickup.

Bulk trash is the responsibility of the owner. Appliances, furniture, construction or other items should not be left in the carport for more than seven (7) days. If left in the carport for more than seven days, this constitutes a violation and may be subject to a fine.

On occasion, the board may arrange for a property wide bulk trash pick-up, however these are scheduled infrequently and the owner should ensure to dispose of large trash in a timely manner.

## **ARTICLE 8: POOL RULES**

The fenced pool area is for the exclusive use of residents of Cortez Groves and their bona-fide guests.

- 8.1 Children under the age of 14 must be under the direct and active supervision a parent or other responsible adult while in the fenced pool area.
- 8.2 Use of the fenced pool area between the hours of 10:00 PM and 6:00 AM is expressly prohibited.
- 8.3 Alcoholic beverages are expressly prohibited in the fenced pool area.
- 8.4 No glassware of any kind is permitted in the fenced pool area.
- 8.5 No pets of any kind are permitted in the fenced pool area.
- 8.6 Diving, water games, sports activities, ball playing or horseplay are expressly prohibited in the fenced pool area.
- 8.7 Floats, rafts, snorkels and swim fins are expressly prohibited in the fenced pool area.
- 8.8 Life saving equipment may only be used for emergencies.
- 8.9 Only battery powered audio equipment may be used in the fenced pool area. The volume must be kept low enough to avoid disturbing other pool users and nearby residents.
- 8.10 Each user of the pool area must clean up all his or her litter and debris before leaving the fenced pool area. Please deposit all trash in the containers provided.

Additional pool rules as required by the Board of Health are posted in the pool area.

## **ARTICLE 9: PEACEFUL PROPERTY**

The association and its members will adhere to City of Phoenix Codes and Ordinances. If violations are ignored the member will be reported to City Authorities.

All homeowners, tenants and guests will respect the each other's rights to the right to the peaceful enjoyment of his or her home including the patio area and the common area.

Quiet time should specifically be observed between the hours of 10:00 p.m. and 6:00 a.m. daily.

- 9.1 Outside parties, gatherings, and loud conversations between the hours of 10:00 p.m. and 6:00 a.m. are prohibited.
- 9.2 Cellular phone calls held outside during the hours of 10:00 p.m. and 6:00 a.m. should also respect the quiet nature of this property and the volume of those conversations/calls should not disturb your neighbors.
- 9.3 As noted in Section 4, residents are also required to control the noise of their pets between the hours of 10:00 p.m. and 6:00 a.m. Meaning, dogs should not be barking, cats should not be howling and birds should not be squawking during these hours, etc.

(Phoenix City Code 1962, § 27-25, A.R.S. § 13-2904; A.R.S. §§ 9-499.01, 9-240(B)(13). A.R.S. §§ 9-499.01, 9-240(B)(13), 9-276(A)(2), (A)(16); A.R.S. § 13-2908; A.R.S. § 13-2917. Code 1962, § 26-1, Code 1962, § 26-3; Ord. No. G-3119, §§ 1, 2)

#### **ARTICLE 10: TENANTS**

The unit owner is entitled to the use of the common area and facilities. The unit owner may delegate those rights to a tenant who resides in the unit. The unit owner must provide the names of the tenants to the Board of Directors or its Secretary in writing.

Each unit owner who rents his or her unit to others is responsible for insuring that his or her tenants abide by these rules and regulations.

The rules and regulations should be made a part of the rental agreement of lease and the unit owner should obtain from the tenant an agreement in writing to abide by these rules and regulations.

Any violations will be presented to the unit owner and the unit owner is responsible to ensure correction of the violation or payment of associated fines.

#### **ARTICLE 11: RESPONSIBILITY**

If damage to any part of the Cortez Groves property (common areas and owned units) is caused by a unit owner, their tenants, guests or hired workers, the unit owner is responsible for those damages.

#### **ARTICLE 12: BUSINESS ACTIVITIES**

The conduct of a business within Cortez Groves is expressly prohibited if that business causes an increase in vehicular or pedestrian traffic. A business which is conducted entirely by mail or telecommunications and which does not require visits by customers or suppliers or their shippers is exempt from this prohibition.

Note that the prohibition against the conduct of a business prohibits yard sales or other similar activities.

As noted in the CC&Rs, Article X: Use Restrictions, Section 4; "...Further, no business activities of any kind whatever shall be conducted in any building or in any portion of the premises." This is specifically noted to remind owners and residents that paid child care should not be occurring on the property. Operation of a child care is a major violation and will be reported to the proper authorities.

No advertising signs of any kind may be posted in Cortez Groves whether on common property or in or on a unit. A "for sale or for rent" sign not exceeding five square feet and posted on the unit owner's lot is exempt from this prohibition.

#### **ARTICLE 13: ARCHITECTURAL CONTROL**

The unit owner must submit a request in writing, using the most current Architectural Request form to the board of directors at least (30) thirty days prior to the project's start date. The homeowner must receive approval from the Architectural Committee and where applicable, an approved permit from the City of Phoenix, before commencing any exterior construction, addition, change in appearance or alteration to a unit. That request must include plans and specifications.

The board of directors will notify the unit owner in writing within thirty days of the request whether the request has been approved or denied. If the board denies the request, the reason for that denial will be given.

#### ARTICLE 14: VIOLATIONS & PENALTIES

Any violation of these rules and regulations will result in a notice of violation to the unit owner. If the violation is by a tenant, it is the unit owner's responsibility to ensure correction by their tenant.

All violations will be evaluated by a current board member and a volunteer resident of the community to ensure fair and accurate application of the bylaws, CC&Rs and Rules and Regulations.

Violations will be mailed to unit owners and the unit owners will have 7 days to resolve the issue. Failure to resolve an issue may result in assessment of a fine and can include suspension of voting rights.

The notice of violation will include the following:

- The lot number
- The date violation was noted
- Notation of the specific article\section of bylaws, CC&Rs or Rules and Regulations that were violated.
- The date resolution is required
- Description of the violation
- The action required to correct the violation

The unit owner who receives such a notice must immediately take action to correct the violation and to see that the violation does not occur again.

Violations are categorized in one of three manners: Minor, Major and Architectural. Each has its own fee schedule and penalties.

If a current phone number is available to the Board of Directors, a courtesy call will be made to the unit owner, so that he\she can be provided an opportunity for correction prior to a written violation.

It is the unit owner's responsibility to provide current phone numbers to the board of directors.

Violations will be responded to in the following order:

##### Minor Violation

- Courtesy Call
- 1<sup>st</sup> Warning (no fine)
- 2<sup>nd</sup> Warning with \$50.00 Fine
- 3<sup>rd</sup> Warning with \$100.00 Fine
- Suspension of Membership and promotion of item to a Major Violation with Fines

##### Major Violation

- Courtesy Call
- 1<sup>st</sup> Warning (no fine)
- 2<sup>nd</sup> Warning with \$250.00 fine
- 3<sup>rd</sup> Warning with \$500.00 Fine and Suspension of Membership

##### Architectural Violation

- Courtesy Call
- 1<sup>st</sup> Warning (no fine)
- 2<sup>nd</sup> Warning with \$250 fine
- 3<sup>rd</sup> Warning with \$500.00 Fine and removal of item from Association responsibility.

The unit owner must correct the violation within seven days of the initial notification or it will be escalated to the next action as noted above.

Any penalties assessed by the association for violation of these rules and regulations are assessed solely against the unit owner. Such assessments become a lien on the property and must be paid within 30 days from the date of the assessment.

#### **ARTICLE 15: MONTHLY ASSESSMENTS**

Monthly assessments are due on the first day of each month for that month. Assessments received on or after the 16<sup>th</sup> of each month will receive a \$15.00 late fee.

#### **ARTICLE 16: RIGHT TO A HEARING**

Any unit owner who receives a notice of violation or a penalty notice and who disputes the facts alleged in that notice may request a hearing before the board of directors or a committee established for that purpose.

Any request for a hearing must be in writing within seven (7) days after receipt of the notice, either by e-mail or postal mail. If e-mailed, the unit owner should request a read receipt to ensure its delivery to the board's e-mail address.

A hearing will be scheduled within thirty days of the request and the unit owner will be notified of the time and date to meet at the Clubhouse for the hearing. The notification will be e-mailed or mailed at least seven (7) days before the date set for the hearing.

When the association receives a request for a hearing, enforcement action on the violation will be suspended until the hearing has been completed.

#### **ARTICLE 17: GENERAL**

**17.1 Interpretation:** These rules and regulations shall be governed by the laws of the State of Arizona, Maricopa County and the City of Phoenix and shall be constructed in accordance therewith.

**17.2 Amendments:** These Rules and Regulations may be amended from time to time or revoked at any time by resolution of the board of directors of the association. Each unit owner will be notified in writing of any change in these Rules and Regulations.

**17.3 Severability:** If any provision of these rules and regulations is declared by a court of competent jurisdiction to be invalid for any reason, such invalidity shall not affect any other provisions of these Rules and Regulations. These Rules and Regulations shall be constructed and enforced as if such invalid provision had never been included in these Rules and regulations.

**17.4 Notice to Lot Owners:** Any notice to lot owners is required to be in writing by these Rules and regulations shall be delivered by mail addressed to the lot owner at the address shown in the records of the association.

**17.5 Notice to Association:** Any notice to the association is required to be in writing by these Rules and regulations shall be delivered by mail to:

Cortez Groves Lot Owners Association  
PO Box 37013  
Phoenix, AZ 85069-7013

Or sent via electronic mail to:  
[cortezgrovesloa@gmail.com](mailto:cortezgrovesloa@gmail.com) with a return read receipt.

**END OF RULES & REGULATIONS**