

## **Belcorte Rules & Regulations**

Simply states and defines rules based on our CC&Rs, Arizona Revised Statutes, and Pima County Code and cites origin where appropriate.

**Amenities:** The pool and court are private facilities paid for by our residents. Due to limited parking and one bathroom (located in the pool complex), it is suggested that each resident honor a three guest limit at any time. Residents are responsible for their guests at all times. All residents should take responsibility for keeping our amenities secured; for safety as well as deterring vandalism.

We ask all residents and their guests to take responsibility for maintaining acceptable noise levels and to keep all common areas clean. PETS are not allowed in any of our amenity areas. No Smoking permitted in any of our amenity areas, due to the health consideration of others.

**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. A \$15.00 late fee will be added and bear interest monthly until the assessment is paid in full from due date.

**Common Walls, Gates, and Iron Barriers:** For the safety of all Belcorte residents, the climbing of common walls 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 residing in Belcorte are caught violating this rule, the parents will be held responsible. Climbing on gates is inherently dangerous and prohibited at all times.

**Garage Sales:** Community Garage Sales are available for the community once a year, if there is enough interest. Individual garage sales are allowed and should be about six months apart. Third party Estate Sales are not allowed.

**Home Maintenance:** Building structures should be kept in good condition and not be allowed to fall into disrepair. Homes should be maintained to preserve the appearance of the neighborhood. House walls and patio block walls/fences should remain free of cracks, stains, mold or obvious signs of damage. Windows should not be cracked, broken or missing and window screens should be in good condition (not bent or torn) and secured in place. Doors and gates should be in place and in good condition. (CC&R Article IV, Section 4.04) Exterior lighting fixtures should be attached as designed and down shielded. Working light bulbs need to be maintained at all times since part of the light from these fixtures is used to illuminate the driveways and streets (Pima County Outdoor Lighting Code, Chapter 4, Section 401, Illumination levels and Shielding Requirements)

**Yard Art:** Whirly gigs, ceramic decorations, shrines, thingamajigs, carvings, statues, etc., are not acceptable.

**Home Improvements:** Improvements, alterations, repairs, painting, excavation or other work done to the exterior appearances of any lot requires prior approval of the Architectural Review Committee (ARC) (CC&R, Section III, Section 3.06). Interior front doors may be modified or changed after seeking approval from the ARC. Such requests are only applicable to homes with front security doors. To change exterior light fixtures (wall and archway lights) submit request to the ARC. Such changes need to be consistent with the architectural design of townhomes. Black and antique bronze (not shiny) are the only finishes allowed. All homes should be painted with Dunn Edwards Evershield quality paint. This paint should last about 9 years. However, the board has the authority to require you to paint your home if it shows signs of streaking, fading or signs of unevenness over time. House address numbers should always be placed vertically.

**Holiday Decorations/Lights:** Homeowners may place outside decorations on their lot 30 days prior to any generally recognized holiday. All decorations must be removed fifteen days after the holiday. Exceptions are possible by approval of the board.

**Landscaping:** All front and side yard landscaping shall conform to and be compatible with the desert landscape and support low water use live plants and flowers (CC&R Article IV, Section 4.04) There is a list of suggested plant choices on the Belcorte website. Please be cognizant of your neighbor and do not plant trees or shrubs that have invasive root systems. Plants must be pruned and maintained as needed. The Association maintains the landscaping in all common areas to maintain a uniform look throughout the community.

**Motor Vehicles:** Most units have space for only 2 parked vehicles. Inoperable and unregistered vehicles must be stored in an enclosed garage. Junked motor vehicles may not be stored or parked in the driveway or carport or street. Junked may be defined as wrecked, dismantled, stripped, damaged, inoperable, or as having an expired registration. (CC&R Article II, Section 2.16) Resident vehicles shall not be parked on the streets. Overnight parking should be primarily in carports/garages with any overflow parking in carport driveways or in front of homes (CC&R, Section II, and Section 2.16).

**Nuisance:** Common nuisances include pet waste and/or odor and excessive noise. Please be considerate of your neighbors. Anything that is injurious to health, or is indecent or offensive to the senses, or is an obstruction to the free use of property, so as to interfere with the comfortable enjoyments of life or property by an entire community or neighborhood, or any considerable number of persons, is declared to be a public nuisance. Odors, including those from pets, and loud noises should not arise from your property so they become offensive to neighboring properties. (CC&R Article II, Section 2.07) Nuisances should be immediately reported to the management company in writing. Exterior lights such as accent lights for shrubbery, other landscape lights and lights on exterior of the house shall abide by the Night Sky Light Ordinance in Pima County and will not shine from one homeowner's lot into the windows of another property owner.

**Guest Parking:** There are limited spaces for guest parking. Parking in the guest parking area is not to exceed 72 hours. Violators will be towed at Owner's expense. For visitor's who may be staying longer than 72 hours, the owner may request an extended period for a guest parking spot (not to exceed two weeks). You may email a request for an extension for guest parking (to include dates) to the management company. Guest parking on the street is allowable for only up to 48 hours per Tucson City Ordinance.

**Pets:** Dogs are to be kept on a leash 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. "At large" is defined as "neither confined by an enclosure nor physically restrained by a leash." The penalty for this Class 2 misdemeanor can include a fine of between \$100 and \$750; up to four months in jail; and/or two years' probation. So, if your dog is not fenced at home, keep it on a leash at all times.

**Pet Noise:** Excessive noise from animals is a civil violation. There is a complaint process for noise through Pima County. You may register a complaint about animal noise by calling Pima Animal Care Enforcement at 520-724-5900. The Procedures following the initial complaint will vary depending upon if it is a noise complaint or waste complaint. For more information visit: [www.pimaanimalcare.org](http://www.pimaanimalcare.org).

**Animal Attacks:** If your animal attempts to bite or attack a person or another animal within the Belcorte Community, you as the owner of the animal will be held legally responsible for any damages or injury that results from the animal attack. Owners must insure the animal is not allowed to roam about unleashed. (See Pima County Code, section 6.04.030)

**Pet Solid Waste:** Is to be removed immediately by the pet owner. It notes that it is unlawful for the owner or the person with custody of the dog to fail "immediately" to "remove and dispose of in a sanitary manner" any dog poop 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, for which the penalties may include a fine of between \$100 and \$500; up to 30 days in jail; and/or one year probation. (This section does not apply to blind persons or persons with mobility disabilities.) (Pima County Code, Section 6.04.030)

**RVs, Trailers & Commercial:** Parking recreational vehicles, commercial, motor homes, campers, trailers, boats and similar vehicles is prohibited on all portions of the Properties, except that such vehicles may be parked on the driveway of an Owner's Lot for short periods of time (not to exceed 24 hours) for purposes of loading or unloading. The recreational vehicle must completely fit in the garage or in the carport driveway or must be stored offsite. Commercial vehicles may not be parked overnight on an Owner's lot or street. (CC&R, Article II, Section 2.16) (Tucson City Code Section 20-263 Ordinance Number 10418)

**Rentals:** Any property rented within the Association is required to complete the rental form attached to these Rules & Regulations and submitted to the management office prior to the start of the lease. Leases shall not be less than 30 days (CC&R Article II, Section 2.02). All renters must receive a copy of the CC&Rs & Rules and Regulations by the owner. Failure to submit the rental form is subject to fine. (ARS 33-1260.1 c)

**Signs:** Real estate signs may be placed in your yard when needed. Security signs less than one square foot may be placed in your yard. Temporary signs no larger than six square feet may be placed in your yard for the shortest time necessary. Political signs, no larger than nine square feet, may be placed in your yard 71 days before an election and must be removed within 3 days after the completion of the election process (ARS 33-1808).

**Speeding:** The speed limit in Belcorte is 20 MPH. Excessive speeding within the community is strictly prohibited. Reckless driving will be cause for immediate and maximum fines.

**Sports Equipment:** Sporting equipment must be garaged at night. All equipment must be kept in good "playable" condition.

**Trash Containers:** Trash is to be kept in covered containers, stored in carport or garage or in back yards, not on graveled areas between houses. Trash containers should be made available for collection the night before or morning of collection and must be removed on the day of collection (CC&R, Section II, and Section 2.13).

**Weeds:** Maintain landscaped property so it is free of weeds. This includes all weeds and dead plants or dead parts of plants to include leaves from trees and shrubs. Weeds also include desert broom, Russian thistle, and ragweed.

**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 are requested 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. Please refer to the list. Homeowners and the Association must follow Pima County Ordinances, State Laws, and Federal Laws.

These Rules of the Belcorte Homeowners Association are accepted on June 2014 and supersede all previous Rules. These Rules are in addition to and consistent with the Declaration, the Articles of Incorporation, and the Bylaws of the Association.

## **Definitions, Inspection & Enforcement**

Provides definitions and explains the inspection process and the enforcement.

### **Definitions**

**Infraction:** Failure to comply with the CC&Rs and rules as outlined by the Association. For these situations, the board will offer up to two (2) reminders to correct the problem.

**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.

### **Inspection Process**

Front yard and common area inspections will be held periodically by the members of the Board of Directors, landscaping committee or Management Company. If upon inspection, or as a result of a legitimate complaint filed in writing by a Belcorte 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 inspector and kept on file following the inspection.

### **Enforcement Process**

When an infraction of the CC&Rs, Rules or Landscape Standards has been observed by the inspector or submitted in writing by a Belcorte resident, the homeowner will be sent a letter entitled "Courtesy Notice" by the managing agent. The homeowner is responsible to take corrective action. A copy of the "Courtesy Notice" will also be sent to the President of the Board.

If corrective action is not taken within twenty one (21) days of the "Courtesy Notice" or the same infraction is noted on a second inspection or twice within three (3) months, 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. A copy of the "2nd Reminder" will also be sent to the President of the Board. The homeowner shall mail to the managing agent an action plan stating when the infraction will be corrected or that the infraction has since been corrected.

If corrective action is not taken within fifteen (15) days of the "2nd Reminder" or three times within six (6) months, a "Notice of

**Violation and Hearing" will be sent by certified mail, return receipt requested, to the homeowner by the managing agent. A copy of the "Notice of Violation and Hearing" will also be sent to the President of the Board. This notice will contain the following Information:**

**The nature of the alleged violation(s);  
The date(s) on which the violation(s) occurred;**

**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 witness on his or her behalf; and  
The proposed sanction to be imposed includes the imposition of a fine of \$100.00 and an additional \$100.00 fine for each 30 day period if the violation has not been remedied and the payment of any attorney fees incurred by the Association. Violations remedied after a penalty fine has been assessed do not cancel the fine.**

**At the hearing the homeowner will be given reasonable time to make a statement, present evidence or a witness on his/her behalf. The Board of Director's will deliberate and may or may not impose a fine. The decision of the Board is final. The Homeowner will be notified in writing, sent by certified mail, return receipt requested, of the Board's decision.**

**Should the homeowner/leasing agent fail to appear before the Board, the Directors may impose a fine in absentia? The fine assessed may continue to double if upon further inspections the violation has not been corrected.**

**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, do not cancel the fine.**

**The President or the Board of Directors may, at their sole and absolute discretion, waive the three (3) notice requirement in the event of an extreme situation needing immediate resolution.**

### **Fine Schedule:**

**Board imposed fine: \$100.00 for first offense.**

**Additional \$100.00 will be assessed each subsequent thirty (30) day period the violation has not been remedied and the fine paid.**

**When the fines reach \$500.00, the debt will be turned over to a collection agency. The fines will continue on a 30 day basis until the infraction is remedied and the fines have been paid.**

**All fines will be treated as delinquent assessments and will accrue penalty and interest according to the Belcorte Bylaws.**