

RESOLUTION 6-01
OF THE BOARD OF DIRECTOR'S
PARK PLACE ASSOCIATION, INC.
Mesa, Arizona

PARK PLACE ASSOCIATION INC.
COMMUNITY POLICIES

Whereas, it is the duty of the Board of Directors to enact reasonable policies and levy monetary penalties for the failure to comply with the By-Laws and CC&R's of Park Place Association Inc., and

Whereas membership in Park Place Association Inc. is mandatory and not voluntary.

Therefore, Be it Resolved, the following policies have been adopted on February 20th, 2006 for the use and good of all the Homeowners, for the use and good of all committees and enforcement by the Board of Directors. They do not replace the CC&R's which remain as the ultimate governing laws of our Association. The Community Policies as set forth are adopted to interpret and clarify certain provisions of the Declaration of Covenants, Conditions, and Restrictions of Park Place Association Inc. and are not limited to the following and are subject to change to comply with any government regulations.

1. Use of Property:

- A. No building shall be erected, constructed, altered or maintained on any lots other than a residence for a single family (including guests and household servants). Single Family is defined as no more than 2 unrelated adult residents.
- B. No tents, shacks, trailers, basements, garage or outbuilding shall at any time be used on any lot as a residence, either temporarily or permanently; nor shall any residence of a temporary character be constructed, placed or erected on any lot.
- C. No noxious or offensive trade or activity shall be carried on upon said property.

2. Alterations, Additions, Remodeling, Redecoration of Exterior Portions of Structure:

No alterations in the exterior design or color of any structure, including additions, shall be made without the prior written approval of the Architectural Board.

- A. Exterior Improvements Requiring Prior Approval include alterations to the exterior design or color of any structure, including but not limited to: (Contact Architectural Board for Guidelines for Approval).
 - 1. Patio Covers
 - 2. New mechanical equipment such as solar collectors and related devices, evaporative coolers and air conditioners mounted on any structure.
 - 3. Exterior shutters, shades and awnings.
 - 4. Garage Doors.
 - 5. Trellis structures attached to any structure.
 - 6. Fireplaces and barbecues attached to any structure.
 - 7. Addition to any structure, including patio enclosures.
 - 8. Driveway additions exceeding a 2 foot width.
 - 9. Swimming pools, including related devices such as slides and diving boards.
 - 10. Outbuildings, including storage sheds and play platforms.
 - 11. Gazebos or ramadas.
 - 12. Antennas and transmitters (subject to Telecommunications Act of 1996, rev. 1999).
 - 13. Excavation or grading that alters established drainage patterns from those shown on the grading plan approved by the City of Mesa.

B. Exterior Paint Guidelines:

1. All exterior color changes must be approved before painting.
2. The Association can provide you with samples that are examples of color shades based on the Earthtone/Desert guidelines of the Association. They are not the only colors that would be approved.
3. Materials, colors and finishes used on building, structures or exterior walls and fences must be consistent. For example, you may not paint half of your block wall and leave the other half unpainted.
4. No approval is required to repaint or restain any structure with the same color scheme as previously used and approved.

C. Exterior Improvements Not Requiring Prior Approval. Prior approval is not required for the following although such improvements shall be consistent with the intent of the Declaration and shall meet all applicable Governmental regulations.

1. Landscaping (trees, shrubs, flowers, turf, ground cover and landscape borders).
2. Repair or maintenance work to restore previously approved construction to its original condition.
3. Sidewalks and patio slabs.
4. New fences or revisions to existing fences (city regulations limit rear and perimeter fences to six feet).
5. Swings, basketball goals and other play equipment. Such equipment should be set back far enough from property line to avoid invasion of privacy of others.
6. Clothes lines.
7. Spas and hot tubs.

3. Upkeep of Property. Each lot owner covenants to keep, maintain, water, plant and replant all areas, slopes, banks, rights of way, and set-back areas located on his lot so as to prevent erosion and to present an attractive, clean, sightly and wholesome appearance at all times.

A. Maintenance of Existing Structures:

1. Exposed, exterior surfaces must be structurally sound and have no holes, breaks, rotting, crumbling, cracking, peeling and rusting.
2. Painted surfaces should not have peeling, chipping, cracking or blistering paint.
3. Exterior windows and doors should not be broken, missing or poorly fitted. Window screens should not be excessively worn or have any rips or tears.
4. Canopies and metal awnings should be in good condition - no rips, holes or excessive fading.
5. Roofs should be free from surface breaks, raised edges, and missing, curled loose, or excessively worn shingles.
6. Exhaust ducts, air conditioners and evaporative coolers should be in good repair with no rust.
7. Chimneys should be structurally sound with no cracks, deteriorated mortar, and missing or broken bricks.
8. Fences, screen and retaining walls must be built with standard fencing materials, be free from graffiti, and should not be broken, dilapidated, unsightly, leaning or have missing blocks or slats.
9. Foundations must be repaired if there is settling, cracking, crumbling or excessive leaning.
10. Outdoor stairs, porches and railing should not have broken or deteriorated deck boards, steps or handrails.
11. Driveways must be kept free of excessive grease, oil, rust, paint, or any other stains.
12. Mailboxes need to be maintained in good condition and compliant with Postal Service requirements.

B. Landscape Maintenance:

1. Yards and landscaping should be well-maintained and free from weeds and litter visible from the street.
2. No owner or occupant shall allow or permit trees, shrubs, or plant growth on that land to impede, obstruct, or interfere with the passage of any street, sidewalk, (including common area walkways). Trees should be cut to allow an 8 foot clearance over streets, sidewalks, and walkways.
3. Easements for installation and maintenance of utilities are reserved as shown on the recorded plat. Within these easement no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities.
4. All dead shrubs and trees need to be removed. Tree stumps must be removed or cut below surrounding grade and covered with landscape material.
5. Shrubs immediately in front of windows and doors facing the street shall not be allowed to cover any portion of the windows or doors.
6. Landscape areas visible from the street shall be planted with shrubs and/or trees and have a ground cover or landscape material covering. Artificial plants or materials shall not be displayed in the front yard visible from the street (this shall not apply to seasonal or event decorations).
7. Landscape areas visible from the street shall not have excessive brown areas in turf or bare dirt.
8. Turf areas can be allowed to go dormant in the winter if it is neatly trimmed and free of weeds. Dormant turf needs watered one time per month.

C. Swimming Pool Maintenance:

1. It is unlawful for any homeowner to drain or backwash their pool upon a public street.
2. It is unlawful to allow any swimming pool or similar body of water to stagnate and thereby become eutrophic, polluted, or offensive to the senses and unsafe for its intended use.

D. Storage of Materials, Junk, Trash, and Manure.

1. No trash containers are to be visible from the street at any time except on days on which trash is collected.
2. The storage of or accumulation of junk, trash, manure and other offensive or noxious materials is specifically prohibited. This shall include but not limited to vehicle parts, appliances, indoor furniture, boxes, crates, packing cases, mattresses, bedding, lumber, scrap iron, tin, other metals and construction materials. Any outside storage of materials must be stored within a building or structure or screened by a lawful fence so as not to be visible from the property boundaries.
3. No burning shall be permitted except in fireplaces or barbeques.
4. All homeowners shall keep the sidewalk or public places fronting or bordering their property free of garbage, junk, obstructions, and weeds or grass in excess of nine inches.

4. Vehicle Parking and Storage:

A. Storage of Cars, Trailers, Camper, Boats, Etc.

1. Vehicles cannot be parked within the front or side yard unless such parking is on an improved, dustproof parking surface.

2. Driveway additions that have not been approved by the Architectural Board are not approved for parking.
 3. Trailers cannot be parked in the front yard visible from the street. Trailers can be temporarily stored in the street for a period of 48 hours.
 4. A recreational vehicle can be parked in the driveway for purposes of loading or unloading, cleaning, etc. for a maximum of 72 hours or on a public street for up to 48 hours.
 5. Boats can be stored in the garage or on an enclosed side yard not visible from the street.
 6. No painting, repairing, or mechanical work, other than customary maintenance work, and minor emergency repairs, shall be done on any building site except in enclosed areas approved by the Board in writing.
 7. All vehicles stored in the front yard, visible from the street, shall be operable and have current license displayed.
 8. Designated parking spaces within the center of cul-de-sacs cannot be used to store vehicles in excess of 48 hours. Boats, trailers, motorhomes, or inoperable vehicles cannot be stored temporarily and vehicles shall not be displayed for sale.
5. **Pets:** No farm animals, livestock, poultry or fish of any kind shall be raised, bred or kept on said real property, except that dogs, cats or other common household pets may be kept provided that they are not kept, bred or maintained for any commercial purposes or in unreasonable quantities, and provided that they do not become a nuisance. Pets must be kept within lot areas or on leash or tether when out of lot areas.
6. **Signs:** No signs (excluding political signs) can be displayed on any one lot. One sign, not larger than eighteen (18) by twenty-four (24) inches, shall be permitted advertising the property for sale or lease. One (1) sign pertaining to candidates for public office, measures, or issues on primary, general, or special election ballots are permitted for each street frontage. Signs shall not be displayed earlier than 60 days prior to an election and shall be removed with ten (10) days following said election. Signs shall be set back at least fifteen feet from the existing curb.
7. **Christmas Lights:** Holiday Lighting attached to structures and landscaping needs to be removed on the last day of the month of the month following the holiday. Lights attached to mature trees can remain unlit in trees during the year if not reasonably visible.
8. **Common Area Rules and Regulations:**
- A. **Community Swimming Pool and its Immediate Area:**
1. Pool for residents and guests only, I.D. may be required.
 2. Pool hours: 8am - 11pm Friday through Sunday
 8am - 10pm Monday through Thursday
 3. Under 14 years old, must be accompanied by an adult.
 4. Gates must be kept closed and locked.
 5. Shower before entering the pool.
 6. No glass containers in the Pool Area.
 7. No running or horseplay on pool deck.
 8. No rocks, furniture, or garbage in the pool.
 9. Bikes, scooters, skateboards, skates, and pets must remain outside gates.
 10. No smoking permitted at anytime within the gated area of the Pool.

- B. Common Areas and Pathways: The common area shall be used for appropriate recreational uses, including but not limited to, hiking, bicycles on designated bicycle paths, walking and other appropriate uses of the common area. No motor driven vehicles shall be used upon the common area except in designated parking areas or as may be permitted by the Board of Directors.

9. **Monetary Penalties For CC&R Violations.**

PROCEDURE FOR IMPOSING MONETARY PENALTY; AMOUNT.

The Architectural and Planning Board (hereafter "APB") shall notify a homeowner who is cited for the same violation of a specific provision of the Covenants, Conditions, & Restrictions (CC&R's) for four consecutive months and shall impose a monetary penalty for the violation, subject to the right of appeal described below.

The notice of violation shall include a statement imposing the penalty and informing the homeowner of his right of appeal and the process for collection by enclosing a copy of this policy. A penalty shall similarly be imposed for each succeeding consecutive month in which the same specific violation continues to be cited.

Also, the Association shall, starting on the fourth consecutive month of any one particular violation of the declaration and continuing each month thereafter until the violation is corrected to the satisfaction of the Architectural & Planning Board, impose a reasonable monetary penalty on the Owner not to exceed twenty five dollars (\$25.00) per month for the first monetary penalty, an amount not to exceed fifty dollars (\$50.00) per month for the second monetary penalty, and thereafter an amount not to exceed one hundred dollars (\$100.00) per month for each particular violation.

EXCLUSIONS: A monetary penalty shall not be levied for the following CC&R violations:

1. Roof replacement or major roof repair.
2. Need for Exterior Painting.
3. Garage Door replacement or major repair.

Continuing violations of these CC&R's shall be reported to the Board which shall determine by resolution what appropriate steps, if any, are necessary to achieve compliance.

APPEALS: A homeowner may appeal a penalty imposed for a CC&R violation to the Board of Directors by making a written request to the Board for a hearing within 15 days of receipt of notice of the penalty. The notice imposing a penalty shall be deemed received three days following the date it is deposited in first class mail.

The Board shall schedule the appeal for a hearing at its next regularly scheduled monthly meeting, the succeeding monthly meeting, or at a special meeting of the Board. The homeowner who can not appear at the time scheduled may request a continuance to the next regular monthly meeting of the Board.

The appealing homeowner, and the Architectural and Planning Board, may each submit written materials to the Board of Directors containing the basis for the appeal, and the basis for imposing the penalty, respectively, at least five (5) days prior to the hearing on the appeal.

At the hearing, the appellant homeowner and a representative of the Architectural Committee may each make an oral presentation to the Board, which the Board may limit to no more than 10 minutes each. Following the presentation of arguments, and any further discussion the Board determines is necessary, the Board may, in its sole discretion, and by a motion approved by a majority vote of those present, either uphold the imposition of the penalty or set it aside. The homeowner shall be immediately informed of the Board's decision, if still present, and notified in writing to their address of record within 5 days of the hearing. The decision of the Board is final and conclusive.

COLLECTION: A penalty which has not been paid within thirty days of being upheld on appeal shall be considered delinquent, and shall be treated as any other delinquent payment of dues or assessments, including assessment of a re-bill charge each month it remains unpaid, plus interest. As with all delinquent accounts, a small claims action for collection may be pursued when the total amount of any delinquent penalty, dues, assessment, or combination thereof, together with any applicable late charges or interest, exceeds \$100.

PENALTY IS NOT AN EXCLUSIVE REMEDY. Imposition of a monetary penalty is not the exclusive remedy for enforcement of a violation of the CC&R's, and the Board or the Association may take any other action within its legal powers to enjoin or correct a violation.