

Desert Ridge, Inc. Rules and Regulations

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Rules and Regulations

These Rules and Regulations are addressed to Desert Ridge homeowners. They explain the Board's implementation of policies defined in the Desert Ridge Conditions, Covenants, and Restrictions (“**CC&R**”) that maintain or enhance the Character, Quality, and Condition of the community.

General Provisions

1. The Desert Ridge Conditions, Covenants, and Restrictions authorize and govern this document. Definitions therein are also used here.
2. Rules and Regulations have been approved by the Board of Directors acting for the Association. Homeowners shall be notified and given the chance to provide comments to the Board before implementation. Homeowners shall also be notified prior to implementation of any future approved addition or change.
3. The Board and the responsible committees monitor compliance of these rules and regulations.
4. A Member may request an addition or change to these Rules and Regulations to the Board in writing at any time and are promised a timely response.
5. Rules and regulations shall be applied uniformly to all homeowners. The Board may, however, allow a waiver as described in the CC&R; a waiver allowed under this provision does not imply a precedent for future Board decisions.
6. A Member can appeal a decision to the Board using the procedure described in the CC&R.
7. Improvements to your lot that do not conform and have never been approved in writing as of the approval date of this document may remain but must be modified to conform before the time of sale. Future improvements are required to conform to the then-current rules.
8. Pruning on private and common areas shall **retain each plant's** health and natural shape as much as is practical, avoiding topping whenever possible.
9. Reasonable efforts shall be made to protect **all homeowners'** views of mountains, desert, and common areas.

Architectural

The Architectural **Committee** (“**Committee**” in this section) is the authority responsible for management of architectural issues.

As a general guideline, keep all architectural elements in good condition – clean, repaired, painted, weeded, etc. If you are gone for an extended period, make arrangements for your house and yard to look occupied. Keep the landscaping trimmed and weed-free, vary window shade positions, and add inside light timers.

The chart below lists the most common Architectural changes that require a written Request. Others may not but, if you are in doubt or have a question, contact the Architectural Committee; this will help ensure successful completion of your project.

Planned Change	Is a Request Form Needed?
Exterior Color	No. Use the current Desert Ridge Approved Color Standard (“Color Chart” in this section. It is available on the Board website or from the Committee).
Planting	It depends. See the Plantings section below.
Front Yard Gravel	No unless you want something beyond the Standard.
Roofs	Yes.
Gates – New or Replacement	Yes.
Garage Door Replacement	Yes.
Retaining Walls	Yes. Use the Color Chart.
Sidewalks and Driveway repair or Resurfacing.	Yes.
Exterior Repairs, Alterations, and Additions	Yes.
Exterior Lighting	Not for low-voltage lights. Garage light replacements require a Request Form. See the following Rule for other outside lighting.
Flags and Banners	Not for patriotic, seasonal, or decorative flags and banners if you observe the following Rules. Otherwise, yes.
Yard Signs	Not for political, yard sale, or For Sale signs if the Rules are followed. Otherwise, yes.
Patio Covers, Awnings	Yes.
Outside Curtains and Shades	No, if the Rule is followed. Otherwise, yes.
Furniture, Fountains and Structures Outside Patio Wall	Yes.
Seasonal Decorations	No, if the Rule is followed. Otherwise, yes.
Solar Panels	Yes.
Water Harvesting	Yes.
HVAC Replacement	No, but paint it according to the Color Chart.

Review Procedure

When a Request is required:

1. **Submit on a completed Architectural Approval Request Form (“Request” in this section). Attach** plans, sketches, photographs, etc. that will assist the Committee in making its decision.
2. The normal adjudication period is 30 days. However, the Committee shall attempt to accommodate a shorter timeframe if you request it. The Committee shall render one of the following judgments for each Request:
 - “**Approved**” – The Request is approved as written.
 - “**Approved As Noted**” – The Request is partially approved. You may proceed with the work but must comply with any notations the Committee has specified.
 - “**Tabled**” – The Request is tabled pending receipt of additional documentation. Do not start work until the Committee has received the requested documentation and has approved the Request.
 - “**Not Approved**” – The entire Request is rejected and no work may begin.
3. Any building permits required are your responsibility. The Board assumes no liability for an **owner’s failure to secure the proper permits.**
4. You may appeal a decision using the procedure described in the Architectural and Landscaping section of the CC&R.

Standards

Exterior Colors

1. Colors for exterior painted surfaces are specified in the Color Chart.
2. Areas included are wood and metal surfaces, and retaining walls that sit under patio walls on some Lots.
3. The Board may add or change color specifications from time to time. Homeowners are advised to consult the Color Chart before beginning any exterior painting.

Plantings

1. Planting choices inside the patio wall are your choice, but be mindful of our climate. The Architectural Committee recommends plants native to or well-adapted to our area. A comprehensive list is available on the Arizona Municipal Water Users Board website:

<http://www.amwua.org>

2. New plantings outside your patio wall require a Request Form. They must be compatible with existing landscaping in the property. Replacements with similar species do not need a Request Form.
3. The mature height for new plantings on a residential lot may not exceed 15 feet. This restriction does not pertain to trees in Common Areas.
4. No shrubs, trees, or obstructions of any kind are allowed on Lots if they cause a pedestrian or traffic hazard. Trim trees that overhang walkways or parking areas to at least seven feet of clearance above ground, and to fourteen feet if the tree overhangs a roadway or parking area.
5. Do not plant anything that shall substantially obstruct your neighbors' view of mountains, golf course, or desert.
6. Lawn grass, except that of a variety recognized to be pollen free and approved in writing by the Architectural Committee, is not allowed on any Lot. Avoid using plants that produce allergenic pollen and those with seeds likely to be airborne into adjacent areas.

Front Yard Gravel

1. Front yard gravel must cover all ground areas not otherwise covered by planting beds or hardscapes. A depth of at least 2 inches prevents bare earth from showing.
2. For new gravel, choose a size and color consistent with other yards in the neighborhood. If you follow this rule, no Request is needed.

Roofs

1. Flat Composite Area. Use the Color Chart.
2. Tile Repair. If some new tiles are required and the existing color and material cannot be matched, use existing tiles in visible areas and use the new ones in less visible areas. A sample of the replacement tile must be approved by the committee before work is begun.
3. Tile Roof Replacement. When replacing the entire tile roof, use tiles compatible with existing materials and the Color Chart.

Gates

1. New and replacement gates require a Request Form.
2. Gates must be of professional quality, constructed from wrought iron or solid wood in a style, size and quality consistent with existing Desert Ridge gates. Paint wrought iron and stain wood according to the Color Chart.

Garage Doors

1. Repainting. Use the Color Chart to determine the color.
2. Repair/Replacement. Keep the same or similar style and quality as the existing door. Include detailed plans and specifications on your Request Form. Work must be performed by a licensed contractor.
3. Please keep your garage door fully closed when it is not in use. Slight opening for ventilation is **OK, but remember that you may be inviting unexpected "guests."**

Sidewalks and Driveways

1. Driveway. You can clean or refurbish your driveway with new concrete and clear coating, but make no color or surface material changes.
2. Sidewalks. - You may replace or resurface the sidewalk between your patio wall and driveway or front walk. The new look must be compatible with the neighborhood. The material must be **specifically designed for this purpose and suitable for Southern Arizona's climate**; examples include etching, staining or new pavers; concrete paint is discouraged. Complete a Request form and include a sample of the new surface.

Front sidewalks parallel to the street are your property. Maintain them using the Driveway rule above. Repair cracks and chips as they occur.

Exterior Repairs and Improvements

1. These projects always require a Request Form. For complex projects, include detailed plans and specifications.
2. Construction must, in general, match the material, style, and quality as the original construction. Be sure to use the current Color Chart.
3. Do not build anything that shall substantially obstruct your neighbors' view of mountains, golf course, or desert.

Exterior Lighting

1. Low voltage yard lights. No Request is required.
2. Garage Light Replacement. A Request Form is required. Choose a style and size consistent with others in the neighborhood. Keep the color neutral, and limit the total visual area to 2 square feet.
3. Lamp posts are not permitted.
4. Non-seasonal decorative lighting is not permitted.
5. All exterior lighting must **comply with Arizona "dark sky" laws**. Do not use lights that point into the sky or flood the surrounding area.

Flags and Banners

These regulations accord with Arizona and United States statutes governing flag display.

1. Flag poles: One wall-mounted and one ground-based flag pole are allowed on each lot. Limit flag pole heights to no more than 15 feet above ground level.
2. Up to two flags of the following types may be displayed at one time:
 - a. Patriotic.
 - b. Seasonal, decorative, or team.
3. The maximum flag size allowed is 3 feet by 5 feet.
4. One decorative banner is allowed if mounted on a flag pole or wall. The maximum pole length allowed is 5 feet.
5. Mountings and supports must be in a neutral color.

Signs

The following types are allowed:

1. Political Signs
 - a. Political signs are allowed as specified in the current Arizona Planned Community Act.
 - b. Display period: 71 days before and 3 days after the election.
 - c. Maximum size – total for all signs, 9 square feet.
2. Home For Sale, Lease/Rent and Open House. Up to two signs are allowed on your lot. Remove them within two weeks following sale or lease. Directional signs on common property are permitted only during the time the home is open to the public. These signs must be commercially produced and comply with the standard industry type and size.
3. **Security signs can be up to 8” square. Limit the number to 2 facing the front and 4 in other directions.**
4. Contractor signs may be displayed only during the actual work on your project.

5. Yard and Estate Sales

- a. You may conduct up to two of these sales per year on your lot.
- b. Signs for these events may be displayed one day before the sale. Remove them within four hours after the sale ends.
- c. **Post “No Parking” signs on the other side of the street** for at least two lots on either side of yours.
- d. Ensure that signs and cones do not impede traffic flow.

Patio Covers and Awnings

1. Always submit a Request Form for these projects.
2. The materials and construction quality must be consistent with similar structures in the community.

Patio and Entry Enclosures

1. These include screens, curtains, doors, etc. and require a Request Form.
2. You may replace or remove existing patio screens without a Request Form if you use the same or similar material.

Pots, Sculptures, and Structures

1. Pots and yard sculptures and flowers constructed from permanent materials (metal, clay, concrete, wood, etc.) are permitted outside patio walls without a Request so long as they are below the top of that wall – usually 3 feet. Do not use paper, plastic or fabric plants and flowers in this area.
2. Structures, including fountains and fences, and furniture are generally discouraged outside patio walls and require a Request.
3. Inside the patio wall, a pot, sculpture, fountain or other structure visible above the patio wall requires a Request. Umbrellas in good condition are exempt from this rule unless they substantially **interfere with neighbors’ views**.

Seasonal Decorations

1. These are permitted for generally celebrated occasions.
2. Light specifications. Please respect your **neighbors’ privacy**.

Solar Panels

1. These are permitted by state law but must be mounted on the roof and require a Request Form.
2. So long as efficient operation is not impaired, the Committee may specify height and direction. Each case is based on the orientation of the roof.
3. Paint the frames to match the flat roof. See the Color Chart.

Water Harvesting

1. Above-ground rain barrels must be covered and may not exceed 500-gallon capacity.
2. Water harvesting barrels must not be generally visible from the street and must be painted with a neutral color.
3. Water harvesting systems must be constructed to prevent animal intrusion (including mosquitoes) and water leakage or **pooling on the owner's or adjacent** properties.

HVAC Replacement

1. Units must be painted using the Color Chart.

Grounds

General

1. The Maintenance Committee (**“Committee” in this section**) is the responsible authority for Common Area **B** (**“Open Spaces”**) and weed control on homeowner lots
2. In general, Members are prohibited from making changes to Open Spaces. All work in Open Spaces is done by the Association-contracted landscaping company under the direction of the Maintenance Committee. This includes the trimming, removal, or addition of any material. You may submit a request to change Open Spaces using the Common Area Request form, available on the website and from the Committee.

The only exception to this standard encourages you to pull small weeds near sidewalks and streets.

3. Preserving homeowners’ **views of mountains, desert, golf course**, and natural areas is always considered when Grounds decisions are made. Pruning to allow light and air (**“lacing”**) shall be used for tree trimming whenever possible.
4. A community Master Plan is being considered to develop an overall Open Space plant management program.

Common Area Maintenance

1. Tree and plant trimming is done using professional guidelines to ensure their health. The Board retains a licensed landscaping contractor for this purpose.
2. Trees and Plant Removal. Trees and plants shall be removed if they are diseased beyond recovery, in danger of falling on surrounding property, **are damaging an owner’s property or creating some other hazard**. The Committee and Board make these decisions together. Removed trees and plants may be replaced with appropriate landscaping.
3. No plants may **obstruct drivers’ view of the roads or driveways**.

Weed Control on Private Lots

1. You are responsible for keeping your yard free of weeds. The Committee recommends hiring a gardener or landscaping company when you are gone for long periods of time; this is especially important in summer.
2. The Committee monitors weed conditions and shall promptly inform you of a violation. You have 14 days to resolve the problem. After that period the Board may decide to perform the work, in which case it shall inform you of plans to enter your property and remove the weeds. The cost of this work is a Reimbursement Assessment payable by you.

Appeals

1. You may appeal a Committee decision in writing using the procedure described in the CC&R.

Parking

General

1. The Streets **Committee** (“**Committee**” in this section) is responsible for enforcing these regulations.
2. The posted speed limit within the Property is **20** mph.

Passenger Vehicles

1. Parking rules are governed by Arizona state law and local fire regulations.
2. Park only in paved street designated-parking areas and, if necessary, driveways. Ask guests not to park on sidewalks or curbs.
3. Residents are encouraged to keep personal cars garaged.
4. Have your visitors use your driveway or designated parking areas when possible. Short-term parking on roadways is permitted during the daytime only. Limit overnight visitor parking to your garage, driveway, or designated parking area.
5. Do not park in the turnaround portion of a cul-de-sac.
6. No inoperable vehicle may, at any time, be parked or stored anywhere within the Property such that it is visible from any neighboring property. The Board interprets and defines the term as a vehicle that meets any of the following criteria: 1) is not capable of safely on a street within the Property at the speed limit; 2) has not been driven on a street within 60 days; 3) is not insured; 4) has one or more flat tires; or 5) is not licensed. For any of these conditions, the Board may fine the owner and/or tow the vehicle.

Recreational Vehicles

1. “**Recreational vehicle**” is defined in the CC&R.
2. A recreational vehicle may be parked in the **owner’s driveway or designated parking area for 72** hours. The 72-hour period begins when the notice is delivered to the homeowner. The 72-hour limit applies to any consecutive two-week period.

Miscellaneous

HOA Information

1. Please complete and return the Annual Information Sheet. This information is important in case of an emergency such as a leak or fire.
2. Inform the Board Secretary of changes to any of your home addresses, phone numbers, or email addresses.

Waste Disposal

1. Keep all equipment for storage or disposal of garbage or other waste clean and sanitary and out of public view except on the established pickup day.
2. The Board may adopt rules and regulations governing use and placement of trash receptacles

Pet Control

1. You may keep up to a total of a combination of 4 dogs and cats on your lot.
2. Keep unleashed pets inside your patio wall. In common areas, keep them on a leash.
3. Any fence or structure enclosing or housing a pet that is visible from outside your property must be pre-approved by the Architectural Committee.
4. You are responsible for ensuring that your pets do not cause annoyance or danger to people or other pets in the community.
5. You are responsible for any damage your pets cause.
6. Clean up after your pets. Bag waste and deposit it in a trash receptacle.

Leases/Rentals

1. All leases must be in writing.
2. Notification to Board. Within 15 days of lease execution, you (or your Agent) must give the Board, in writing, the name of the tenant of the Lot and such other information as the Board may reasonably require.
3. Enforcement of Leasing Restrictions. You are responsible for any violation of the CC&R and Rules by your lessee or tenant or any other persons residing in the Dwelling Unit, and their guests or invitees. In the event of any violation, you, upon demand of the Board, shall immediately take all necessary actions to correct the violations.

Rule Addition or Change Process

1. Initiation. Both the Board and homeowners may initiate new rules. Submit your request in writing to the Board. Include the addition or change you want and your reasons.
2. The Board and the responsible committee shall review the request and respond to you in writing within two Board meeting cycles with an approval, disapproval, or request for more information.
 - a. If approved. The Board shall:
 - (1) Send the proposed new rule to all homeowners for comments during a 14-day review period. You may email, mail, or deliver comments to the Board during that period.
 - (2) Review all homeowner comments and, if appropriate, adjust the rule.
 - (3) Update the Rules and Regulations document and give **30-days' written notice to** homeowners. The responsible committee shall implement your request as soon as is practical.
 - b. If more information is requested. Resubmit your request. The process starts over.
 - c. If disapproved. You may, within 10 days of the disapproval document date, request a hearing with the responsible committee. The hearing shall be held as soon as possible at a time convenient for you and the committee. The outcome of that meeting is final, with no further appeal available.

Enforcement

General Provisions

1. The responsible authority named in each section, together with the Board, shall enforce these Rules and Regulations. The Board reviews all reported violations before making a final determination.
2. The Board may adjust these remedies or add new ones from time to time. You shall be notified at least 30 days before any such changes becomes effective.
3. You may appeal any adverse decision using the procedure identified in the CC&R.
4. Fines. The CC&R permits the Board to levy fines for non-compliance with community documents. Paying a fine does not absolve a homeowner of the requirement to correct the violation.

Enforcement Process

The following steps shall be followed:

Notice

Written notice to cease and desist from an alleged violation shall be served upon the Owner who is the alleged violator specifying (A) the provision of the community documents that has been violated, (B) the date of the violation or the date the violation was observed, (C) the action required to abate the violation, (D) the process the Owner must follow to contest the notice, and (E) if the violation is a continuing one, a time period of not less than 10 days in which to cure the violation unless the violation constitutes a safety or health hazard or, if the violation is not a continuing one, a statement that any further violation of the same provision of the Community Documents may result in the imposition of a fine or penalty after notice and hearing.

Owner's Right to Respond

An Owner receiving notice of a violation may provide the Board with a written response by certified mail within 10 business days after the date of the notice. **The Owner's response must be sent to the Association's address of record. Within 10 business days after receipt of the Owner's response, the Association shall respond to the Owner's question or assertions, which may include the first and last name of the person(s) who observed the violation.** Except as otherwise provided by applicable law, the Association may not proceed with any action to enforce the Community Documents against the violator, including the collection of attorney fees, before or during the time limits prescribed for the exchange of information between Board and the Owner. The Owner may request an informal hearing before the Board, a hearing in executive session, or may waive a hearing.

Notice of Hearing

If the violation continues past the period allowed in the Association's Notice for Abatement Without Penalty or if the same provision of the Community Documents is subsequently violated and the Board

intends to levy a fine/penalty, the Board shall serve the violator with written notice of a hearing. That hearing is to be held by the Board in executive session. Service may be made personally or by first **class mail to the violator's address of record. The notice shall contain (A) the nature of the alleged violation, (B) the time and place of the hearing, which time shall be not less than ten days from the giving of notice, (C) an invitation to attend the hearing and produce any statement, evidence, and witnesses on his/her behalf, and (D) the proposed sanctions to be imposed, which may include the imposition of a fine.**

Hearing

The hearing shall be held in executive session of the Board, pursuant to the aforesaid Notice, thereby affording the Owner a reasonable opportunity to be heard. Protocol of the hearing will be set by the Board. Prior to the effectiveness of any sanction hereunder, proof of notice and the invitation to be heard shall be placed in the minutes of the meeting. Such proof shall be deemed adequate if a copy of the notice together with a statement of the date and manner of delivery is entered into the minutes by the officer or director who delivered such notice. If the Owner does not appear at the hearing, the Board shall presume the validity of the Notice of Violation and may levy a fine or penalty

Fines

1. The Fines Schedule on the next page lists the time to correct before a fine is imposed, and the fine amount. The Time to Correct begins on the date of the notice; the duration varies according to the violation. The Fines Schedule is not binding; the Board of Directors may impose a fine in any reasonable amount, based on the application of the factors above
2. Late Fee. If the fine is not paid before the Time to Correct expires you may be assessed a late fee of \$25.00 plus interest (at the current Board determined rate). The fine may be suspended or waived if the Board is satisfied you are working toward a correction.

Recorded Notice of Violation

See the CC&R, section 13.5.

Fines Schedule

Area	Time to Correct Violation	Fine(s)	Standards and Procedures Provision
Animals	48 hours	\$10.00/day	See Pet Control
Architectural Standards Violation	30 days	\$25.00/week	See Plantings See Exterior Repairs, Alterations, Improvements, and Additions
Clotheslines and Equipment	7 days	\$10.00/week	Not included
Common Areas	14 days	\$100.00 plus cost of restoration	See Common Areas
Destruction of Unit	Depends on insurance	Depends on insurance	
Exterior Lighting	30 days	\$10.00/week	See Exterior Lighting
Flags and Flagpoles	14 days	\$5.00/day	See Flags
Garage Doors	30 days	\$10.00/day	See Garage Doors
Gates	30 days	\$10.00/week	See Gates
Leases?	14 days	\$10/day	See Leases
Parking	Cars: After 72 hour (grace) Recreational Vehicles: After 72 hours (grace)	\$25.00/day \$50.00/day	See Parking
Signs	24 hours	\$25.00/day	See Signs
Solar Energy	30 days	\$25.00/day	See Solar Panels
Yard and Garage Sales	24 hours	\$15.00/day	See Yard and Garage Sales
Weeds	14 days from notification	\$15.00/day	See Weed Control