



SABINO MOUNTAIN

ASSOCIATION RULES, VIOLATION PROCEDURES, AND PENALTIES

◆INTRODUCTION◆

In 2009, the Sabino Mountain Board of Directors adopted the initial Association Rules, as authorized by Section 3.10 of Sabino Mountain's Covenants, Conditions and Restrictions (CC&Rs). Since then, the Board has revised and clarified some provisions of the Association Rules and added others, such as the provisions prohibiting fireworks and yard or estate sales.

The Association Rules not only supplement the CC&Rs but also address activities and circumstances not covered by the CC&Rs or Sabino Mountain's Design Guidelines.

Your compliance with the CC&Rs, Association Rules, and Design Guidelines helps improve community relations, promotes everyone's safety, and keeps Sabino Mountain looking its best. Compliance also maintains property values and enhances Sabino Mountain's quality of life

Please contact Sabino Mountain's community manager to report a violation of the CC&Rs, Association Rules, or Design Guidelines, or if you have any questions, comments, or suggestions about them.

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SECTION 1 – CC&Rs

The following CC&Rs have been included here as a convenience. Some of the CC&Rs have been abbreviated and are so indicated by an asterisk (*). Please consult the recorded CC&Rs for complete versions of the abbreviated CC&Rs.

- **Signs (CC&R 11.3*)**: "No sign of any kind shall be displayed to the public view or from any Lot . . . without the approval of the Association or the Design Review Committee, except: . . . (b) signs required by legal proceedings, or the prohibition of which is precluded by law. No "For Sale" or "For Rent" sign may be posted on any Lot." **NOTE: STATE LAW (ARIZ. REVISED STATUTE § 33-1808), MODIFIED THIS CC&R AND, OWNERS ARE NOW ALLOWED TO HAVE "FOR SALE" "FOR LEASE" AND "OPEN HOUSE" SIGNS, PROVIDED THE SIGNS DO NOT EXCEED 18" X 24" AND THE RIDER SIGN DOES NOT EXCEED 6" X 24."**
- **Animals (CC&R 11.4*)**: "No animals, including horses and other domestic farm animals, fowl or poisonous reptiles of any kind may be kept, bred, or maintained in any Lot or in or upon any Common Area, except a reasonable number of commonly accepted household pets in accordance with Association Rules. . . . In no event shall any domestic pet be allowed to run free away from its Owner's Lot without a leash or other appropriate restraint Owners, occupants and other persons shall immediately clean up their animals' waste from the Common Areas and other portions of the [Sabino Mountain] Property."
- **Boats & Motor Vehicles (CC&R 11.6)**: "Except as specifically permitted by the Association Rules, (a) no boats, trailers, buses, motor homes, campers or other vehicles shall be parked or stored in or upon the Common Areas or put on a Lot except within an enclosed garage or as permitted by Design Guidelines; (b) no vehicle shall be repaired or rebuilt in any Lot or upon the Common Areas; and (c) nothing shall be parked on the Private Roads except in parking areas (if any) designated by the Board. The Board may remove, or cause to be removed, any unauthorized vehicle at the expense of the owner of the vehicle in any manner consistent with law."
- **Lights (CC&R 11.7)**: "No spotlights, flood lights or other high intensity lighting shall be placed or utilized upon any Lot, which in any manner will allow light to be directed or reflected on the Common Areas, or any part thereof, or any other Lot, except as may be expressly permitted by the Association Rules or Design Guidelines."

- **Garbage (CC&R 11.9*)**: "No garbage or trash shall be kept, maintained or contained in any Lot so as to be visible from another Lot or the Common Areas. . . . No refuse pile, garbage or unsightly objects shall be allowed to be placed, accumulated or suffered to remain anywhere on a Lot."
- **Fires (CC&R 11.12)**: "Other than barbecues, in properly constructed barbecue pits or grills ... no open fires shall be permitted on the Lots"
- **Clothes Drying Area (CC&R 11.13*)**: "No portion of any Lot shall be used as a drying or hanging area for laundry of any kind"

SECTION 2 – CLUBHOUSE

Lot Owners are responsible for cleaning up after their event, function, or gathering in the clubhouse as well as any clubhouse damage. When using the clubhouse, the following rules shall be observed:

1. No smoking in the clubhouse or pool area.
2. No alcohol allowed, served, or consumed in the clubhouse or pool area.
3. Keep music at a volume that cannot be heard inside nearby homes.
4. End all events, functions, or gatherings by midnight.
5. Cleanup promptly after the event, function, or gathering—please follow the cleanup instructions on the reservation form.
6. After the cleanup, notify the community manager, return the clubhouse key, and request an inspection of the clubhouse.

To reserve the clubhouse, first contact Sabino Mountain's community manager to determine the availability of the clubhouse for a private event, function, or gathering. Then, if the clubhouse is available, obtain a reservation form from the community manager or print one from Sabino Mountain's website. Clubhouse reservations are scheduled on a first-come basis. Note: A clubhouse reservation does not include reserving the pool or pool area, which cannot be reserved. Also, Owners whose assessments are delinquent 60 days or more cannot reserve the clubhouse.

SECTION 3 – COMMUNITY POOL & SPA

The community pool, spa, and pool area are for Sabino Mountain Lot Owners, residents, and their guests. With no lifeguard on duty, those who use the pool, spa, and pool area do so at **THEIR OWN RISK** and shall observe the following rules and regulations:

1. No smoking, alcohol, or glass containers in the pool or pool area.
2. No music at a volume that can be heard inside nearby homes.
3. No one under 21 years of age shall be in the pool area between 10 p.m. and 5 a.m., unless accompanied by a resident over 21 years of age.
4. Persons in ill health, with open wounds, or under the influence of drugs and/or alcohol shall not use the pool or spa. Pregnant women and, unless supervised by an adult, children under 10 years of age shall not use the spa.
5. Even if it's inconvenient, please keep the pool gates closed at all times—this helps keep the children safe. In other words, **PLEASE DON'T PROP OPEN THE GATES.**

6. The person or persons hosting a party in the pool area will be responsible for any repairs necessitated by party balloons or debris clogging, blocking, or damaging the pool or spa filters.

SECTION 4 – CONSTRUCTION RULES

The following construction rules apply to owners, their builders, contractors, subcontractors, and workers:

1. **Construction Hours:** Construction activities shall take place only from 7 a.m. to 6 p.m. during the winter months of October to February and from 6 a.m. to 6 p.m. during the summer months of March to September.
2. **Sundays and Holidays:** No construction activity shall occur on Sundays, New Year's Day, Memorial Day, Easter, Fourth of July, Labor Day, Thanksgiving, or Christmas.
3. **Parking:** Construction workers shall park only on one side of the street because parking on both sides results in a narrow traffic lane and creates a safety hazard.
4. **Trash Containers:** No trash containers (dumpsters, roll offs, etc.) shall be placed on the street. They shall be kept on the Lot where construction is taking place or on an undeveloped Lot, but only with the written permission of the Owner(s) of that undeveloped Lot. All trash containers must be emptied regularly.
5. **Construction Material:** No construction material, such as lumber, sand, soil or rocks, shall be stored on the street or placed on an undeveloped Lot, except with the written permission of the Owner(s) of that undeveloped Lot.
6. **Construction Debris:** Construction debris, such as nails, glass, wood, paper, cement and sheet rock, shall be promptly removed from streets, other Lots and Common Areas.
7. **Repairs:** Owners shall be responsible for and promptly repair any damage done by their builders, contractors, subcontractors or workers to other property within Sabino Mountain, such as curbs, gutters, hydrants, sidewalks, streets, shoulders, utilities, landscaping, or drainage facilities. Placing dirt across curbs where trucks and cars enter the Lot will reduce damage to curbs.
8. **Portable Toilets:** Portable toilets are required during construction. They shall be kept on the Lot, not in the street, and emptied regularly.
9. **Concrete Delivery:** To avoid spillage while driving up the slope on Sabino Mountain Drive, concrete trucks shall not be fully loaded. Owners are responsible for removing any spilled concrete.

SECTION 5 – ESTATE & YARD SALES

Lot Owners shall not conduct, permit, or allow estate or yard sales on their Lots or from their homes. The terms "estate sale" or "yard sale" mean an informal, irregularly scheduled event at which new, like-new, or used items are offered for sale, usually by the owner, and also includes, but is not limited to, garage, rummage, or moving sales.

SECTION 6 – FIREWORKS

Because fireworks pose a potential fire danger in Sabino Mountain's dry desert environment, no one can use fireworks anywhere within the Sabino Mountain community. The term "fireworks" has the same meaning as found in Arizona. Revised Statute § 36-1601 and includes display fireworks, consumer fireworks, permissible consumer fireworks and anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground, but does not include smoke devices, such as smoke balls and smoke cones, or novelty items, such as snakes and poppers, with .25 grains of explosive material or less.

SECTION 7 – HOLIDAY DECORATIONS

To promote neighborly relations and preserve the community's established character, Lot Owners may decorate their Lots and houses during the following holidays:

1. **Winter Holidays:** Owners shall not decorate their Lots and houses, or put up any decorations, sooner than Thanksgiving day for such winter holidays as Chanukah or Christmas and shall remove those decorations by the 15th of the following January.
2. **Other Holidays:** Owners shall not decorate their Lots and houses, or put up any decorations, *sooner than 14 days before Halloween* or sooner than 7 days before all other holidays, such as Easter or Fourth of July, and shall remove those decorations not later than 7 days after the holiday.

The term "holiday decorations" includes, but is not limited to, the following: music; sounds; air-filled figures; lighted and unlighted static or moving figures; door trim and decorations; colored lights, except yellow bug lights; and white or clear lights, except when those lights are used for security, doorway, landscaping, walkways, and other similar lighting.

SECTION 8 – HOUSEHOLD PETS

Lot Owners and residents shall abide by Section 11.4 of Sabino Mountain's CC&Rs (see page 2) regarding household pets and act in accordance with the relevant Pima County ordinances. These County ordinances require that pet owner(s):

1. Control any animal or bird that frequently or continuously makes sounds that are clearly audible beyond the pet owner(s)' property line and these sounds disturb a neighbor's peace and quiet.

NOTE: VIOLATING THIS ORDINANCE IS A CIVIL OFFENSE AND SUBJECTS THE PET OWNER(S) TO A FINE UP TO \$500 FOR EACH DAY'S OFFENSE.

2. Immediately remove and dispose of any solid waste deposited by the pet owner's dog on public or private property without the consent of the person in control of the property.

NOTE: VIOLATING THIS ORDINANCE IS A MISDEMEANOR AND SUBJECTS THE PET OWNER(S) TO THESE PENALTIES—A FINE UP TO \$500, UP TO 30 DAYS IN JAIL, PROBATION FOR UP TO ONE YEAR, OR A COMBINATION OF THESE PENALTIES.

SECTION 9 – MAINTENANCE & APPEARANCE

Lots and houses shall be maintained regularly to preserve and retain their appearance and value, as well as the appearance and value of the Sabino Mountain community. Accordingly:

1. **Driveways:** Driveways shall be cleaned and kept free of (a) foreign substances, which includes, but is not limited to, oil, grease, paint, or visible stains; and (b) foreign objects, which includes, but is not limited to: (1) rugs, pans, or trays that are used to catch dripping fluids; and (2), during the period from sun down to sun rise, unattended toys, skates, bicycles, tricycles, skateboards, and motorized vehicles for children.
2. **Exteriors:** Exterior trim, walls, roofs, windows, and doors, including garage doors, shall be:

- (a) properly maintained, which includes, but is not limited to, replacing or repairing any of the above items if damaged, broken, or missing; patching holes larger than a golf ball; and repairing cracks wider than 1/8"; and
- (b) periodically painted, which includes but is not limited to, painting when obvious fading or splotching has occurred or as may be necessary after exterior damage and/or repairs?

3. **Landscaping:** All landscaping on a Lot shall be regularly maintained and, to the extent reasonably possible, kept in a live, healthy, growing condition, with any dead or diseased plants promptly removed. Any front-yard landscaping on a Lot shall be pruned and trimmed: (a) to keep tree limbs at least 7 feet above the sidewalk and from extending beyond the curb and into or over the road, *unless the Design Review Committee grants an exception this requirement*; and (b) to keep shrubs and ground cover from extending over the sidewalk more than 6 inches. If condition (a) or (b) exists, the Lot owner shall promptly take appropriate action to remedy the condition, including pruning or trimming the tree or shrub. Lots also shall be kept free of mistletoe, buffelgrass, Russian thistle (aka tumbleweed), non-ornamental fountain grass, and other noxious or unapproved plants. Lot areas that are visible from the street or Common areas shall be kept free of debris, litter, and any weeds exceeding 6 inches in height or 10 in number, which shall be either physically removed or killed with an herbicide spray and then removed.
4. **Miscellaneous:** Tires, hay bales, firewood, and construction material, which includes, but is not limited to, lumber, bricks, pavers, sheet rock, concrete blocks, or bags of cement, shall be garaged or stored so they are not visible from the street, a Common area, or an adjacent Lot.
5. **Sidewalks:** Sidewalks in front of a Lot, as well as the area between the sidewalk and curb, shall be regularly cleaned and kept free of:
 - (a) foreign substances, which includes, but is not limited to, chalk, oil, grease, paint, or similar foreign substances; and
 - (b) foreign objects, which includes, but is not limited to, tools, trash, litter, weeds, rocks, debris, equipment, or any operable or non-operable vehicles.
6. **Trash/Recycle Containers:** Trash and recycle containers shall not be placed on the street until after 6 p.m. on the day before collection and shall be returned to the place where they are kept, stored, or maintained on the Lot by 9 p.m. on collection day. Section 11.9 of the CC&Rs further requires that trash and recycle containers be kept, stored, or maintained on a Lot so they are not "visible from another Lot or the Common Areas."
7. **Vehicles:** An operable vehicle that has been on a Lot for more than 3 days shall have proper license plates and current tags or the vehicle's owner shall establish that a request has been made to obtain the plates and/or tags. Any vehicle part/equipment or any inoperable vehicle, which includes, but is not limited to, any junked, wrecked, stripped, unpainted, or dismantled vehicles, or any vehicles undergoing repairs, maintenance, or restoration, shall be garaged or stored so they are not visible from the street, a Common Area, or an adjacent Lot.

SECTION 10 – OPEN HOUSES

When holding an open house, Lot Owners and their agents shall observe the following procedures for admitting potential buyers into the community:

1. Owners and real estate agents shall not give potential buyers an Owner's personal gate code to enter the community, but shall provide potential buyers with a temporary gate code to enter the community. Owners and real estate agents shall obtain the temporary gate code from Sabino Mountain's community manager.
2. No one shall post any gate code on an Open House sign, the entrance callbox, or gate keypad. Owners and real estate agents may, however, put an Owner's or agent's cell phone number on a sign placed on the entrance callbox and/or gate keypad, advising potential buyers to call the cell phone number for a temporary gate code to enter the community.

SECTION 11 – PARKING RULES

Parking on our narrow streets restricts two-way traffic, limits access by large vehicles, such as school buses or emergency vehicles, and may endanger children. For these reasons, Lot Owners and guests shall observe the following parking rules:

Owners:

1. Owners shall not park motor vehicles overnight on a street or sidewalk but shall park motor vehicles in an enclosed garage and/or on the driveway apron.
2. Boats, trailers, campers, buses, motor homes, and other recreational or commercial vehicles must be parked in an enclosed garage unless the community manager grants temporary permission to park elsewhere in the community.

Guests:

1. When feasible, guests shall park on the driveway apron, not on the street.
2. Overnight guests shall not park on the street unless they have received permission from the community manager to park overnight on the street for a specified number of days.
3. Owners should notify the community manager and their neighbors when they are expecting a large number of non-overnight guests who will temporarily park on the street.

Exceptions:

The community manager may grant exceptions to these parking rules for one or more of the following reasons:

- a. *An owner's Lot and home are under construction or undergoing major repairs or improvements;*
- b. *An owner, or someone living in the Owner's home, who has a disabling condition that prevents parking safely in the garage or on the driveway apron;*
- c. *A guest who is or will be staying in the owner's home temporarily and no parking is available in the garage or on the driveway apron; and*
- d. *Any other reason approved by the Board of Directors.*

SECTION 12 – PUBLIC SAFETY

To promote public safety:

1. No person shall drive, operate, or be in physical control of a motor vehicle, as defined by Arizona law, on Sabino Mountain's streets and roads without a valid driver's license.
2. All motor vehicles, motorcycles, all-terrain vehicles, or other self-propelled vehicles shall be driven on Sabino Mountain's streets and roads at a reasonable and prudent speed under the circumstances, but in no event shall the speed exceed 25 miles per hour.
3. All drivers, cyclists, and others who use, ride, or operate something with two or more wheels shall obey Sabino Mountain's traffic control devices, such as Stop and speed limit signs.
4. From sundown to sunrise, driveways and sidewalks, as well as the area between the sidewalk and curb, shall be kept free of portable basketball hoops and children's toys, which includes, but is not limited to, bats, balls, skates, wagons, bicycles, tricycles, skateboards, and vehicles designed, manufactured, and/or intended for a child's use.

SECTION A – VIOLATION PROCEDURES

The following procedures, as prescribed by Arizona Revised Statute § 33-1803, will be followed for violations of the Rules and Regulations, CC&Rs, and/or Design Guidelines:

1. **First Violation Notice:** When a violation of any the CC&Rs, Design Guidelines and/or these Association Rules is noted by or reported to the Sabino Mountain community manager, a courtesy notice may be sent to the Lot Owner(s) of record, with a 3- to 5-day timetable for corrective action. If timely corrective action is not taken, the Lot Owner(s) shall be sent a first violation notice and it shall include a timetable for correction action, which will be at least 5 business days from the date of the first violation notice, as well as the following additional information:
 - a) The Association Rule, CC&R, and/or Design Guideline allegedly violated;
 - b) The date of the violation or the date the violation was observed;
 - c) The first and last name of a person(s) who observed the violation;
 - d) The action or actions required to cure the violation;
 - e) The Association's mailing address; and
 - f) A copy of these procedures to advise Lot Owner(s) of the process for contesting the violation.
2. **Contesting the Violation:** Lot Owner(s) who wish to contest the violation shall send a written response by certified mail to the Board of Directors within 10 business days after the date of the first violation notice and include any request the Lot Owner(s) may have for additional information. This response shall be sent to the Board of Directors at the Association's mailing address shown on the first violation notice.

3. **Association's Response:** Within 10 business days after it receives the written response of the Lot Owner(s), the Board or its authorized agent shall respond to the Lot Owner(s) with a written explanation regarding the violation and shall provide any additional information reasonably required by the Lot Owner(s).
4. **Second Violation Notice:** After completion of the procedure in paragraphs 2 and 3 above, or after expiration of the initial 5-day period set forth in the first violation notice, and in the event the violation is not contested by the Lot Owner(s), a follow-up inspection will be conducted by the Board or its authorized agent. If the violation has not been cured within the time specified, a second violation notice may be sent instructing the Lot Owner(s) to cure the violation(s) within 5 days after the date of the second violation notice.
5. **Notice of Hearing:** A follow-up inspection will be conducted on or after the deadline date of the second violation notice. If the violation has not been cured, the Board may refer the matter directly to the Association's attorney for further action or send the Lot Owner(s) a Notice of Hearing by certified mail, return receipt requested, notifying the Owner(s) that the Board will hold a hearing on the violations. The Notice of Hearing shall set forth the date, time and, place of the violation hearing.
6. **Designated Representative:** The Lot Owner(s) may present to the Board, either before or at the violation hearing, written notification that another person will serve as designated representative for the Lot Owner(s) and will speak on behalf of the Lot Owner(s).
7. **Hearing Procedure:** The Board shall establish the procedure for the violation hearing, advise the Lot Owner(s) or designated representative of that procedure before the hearing begins, and give the Lot Owner(s) or designated representative an opportunity to present supporting documentation and testimony as to why the Board should not authorize further enforcement action, which could include the levy of a monetary penalty and/or referral of the matter to the Association's attorney.
8. **Proof of Delivery:** Proof of delivery to the Lot Owner(s) of the Notice of Hearing shall be deemed adequate if the officer, director, or agent who mailed the Notice enters a copy of it, together with a statement of the date and manner of mailing, into the minutes of the next Board meeting after mailing of the Notice.
9. **Failure to Appear:** If the Lot Owner(s) or designated representative fails to appear at the violation hearing, the Board may levy a monetary penalty and/or refer the matter to the Association's attorney for further action.
10. **Board's Decision.** The Board or its designated agent shall send notice to the Lot Owner(s) within 15 days after the violation hearing, stating the Board's decision, the amount of any monetary penalty imposed, and the date payment of any penalty is due.
11. **Repeat Violations:** The Board may impose a penalty for each separate or repeat violation and impose daily penalties for ongoing violations until corrected.
12. **Post-Hearing Grace Period:** The Board will grant an additional grace period of 10 days beyond the date of the violation hearing to allow the Owner(s) to correct the violation. Failure of the Owner(s) to correct the violation within this

grace period will result in the imposition of any monetary penalty set forth in the Board's decision, with the penalty retroactive to the Hearing date.

13. **Late Charge:** Any monetary penalty imposed that has not been paid within 30 days after its stated due date shall be delinquent and a late charge of \$15.00 shall be added to the penalty.

14. **Lien:** After a court of competent jurisdiction enters a civil judgment against the Owner(s) and in favor of the Association to collect penalties and late charges imposed by the Board, as well as any attorney fees and costs awarded by the court, the Association may impose a lien on the Lot of the Owner(s) for the full amount of the judgment after recording the judgment in the office of the Pima County Recorder. This lien becomes effective on conveyance of any interest in the Lot. Prior to conveyance of the Lot, the Association may collect the amounts due under the judgment by any lawful means.

SECTION B – PENALTIES

Pursuant to Section 3.10 of the CC&Rs, the Board of Directors has adopted penalties for violations of Sabino Mountain's CC&Rs, Association Rules, and Design Guidelines. The Board has adopted recommended penalties for each type of violation, as set forth below. But, if the Board finds that a violation has occurred, the Board may increase or decrease the recommended penalty upon considering any aggravating circumstances, such as a continuing refusal to comply, or any mitigating circumstances, such as a family illness. Also, in addition to or in lieu of a recommended penalty, the Board may impose all or part of any attorney's fees and costs incurred by the Association.

Recommended Penalties

Section Violated	1st Violation	2nd Violation	Multiple Violations
Sec. 2 – CC&Rs	\$50	\$150	\$500/violation
Sec. 3 – Children	\$25	\$100	\$300/violation
Sec. 4 – Clubhouse	\$50	\$150	\$500/violation
Sec. 5 – Community Pool	\$50	\$150	\$500/violation
Sec. 6 – Construction Rules	\$100	\$200	\$750/violation
Sec. 7 – Holiday Decorations	\$25	\$100	\$300/violation
Sec. 8 – Household Pets	\$50	\$150	\$500/violation
Sec. 9 – Maintenance & Appearance	\$100	\$200	\$750/violation
Sec. 10 – Open Houses	\$25	\$100	\$300/violation
Sec. 11 – Parking	\$25	\$100	\$300/violation
All Other Violations	\$100	\$200	\$750/violation