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DEPUTY RECORDER  
41



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W  
VENTANA DE SABINO HOA  
6601 E 22ND ST  
TUCSON AZ 85710

**RULES AND REGULATIONS  
VENTANA DE SABINO HOMES**

**ARTICLE I  
POOL RULES**

- 1.1 All persons using the pool or pool area do so at their own risk and responsibility. The Homeowners Association and the Management Company do not assume responsibility for any accidents or injuries in connection with such use.
- 1.2 All persons will use this facility in conformance with all rules and regulations. Any persons may be barred from the pool or pool area at the discretion of the Board of Directors for violation of the rules and regulations or for any other reasons which in the Board of Directors judgment constitutes a hazard for the person barred or for others or to the association.
- 1.3 Guests are welcome when accompanied by an adult resident. The guest allowance will be four (4) per unit family.
- 1.4 Children under fourteen (14) years of age will not be permitted in the pool unless accompanied by an adult resident.
- 1.5 Proper swimming attire is required in the pool area.
- 1.6 Admission to the pool will be denied to anyone with a contagious disease or to anyone with an infection of skin, eye, ear, or any other body area.
- 1.7 No running, rough-housing, or unsafe games will be permitted in the pool area.
- 1.8 No food, gum, candy, or breakable material such as bottles, glass or china are permitted in the pool area.
- 1.9 No animals are permitted in the pool, spa, pool area, or Ramada.
- 1.10 Please use the trash containers for any disposables.
- 1.11 The cost of any property damage will be charged to the responsible homeowner.
- 1.12 The Laws and Rules of the Pima County Health Department must be observed in the operation of our pool and spa.

**ARTICLE II  
PAINT COLORS**

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5     **2.1**   The paint color plan listed below was adopted by the Ventana de Sabino Homes  
6           Community Association on November 6, 2002.  
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8     **2.2**   Homeowners are to select home, wood trim, garage door, gate, and fence color scheme.  
9           Complete the Homeowners Paint Selection Form. Submit form to the management  
10          company.  
11  
12    **2.3**   Dunn-Edwards paint is the designated paint to ensure complete color matching. Please  
13          refer to the Dunn-Edwards paint specification sheet information provided below for more  
14          information.  
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16    **2.4**   The stucco “pop outs” on the home must remain the same color as the home  
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18    **2.5**   All community walls will be painted Sealpoint.  
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20    **2.6**   All exterior common walls will be maintained by the Association. Homeowner  
21          responsible for maintaining interior of common wall. Color will be Sealpoint.  
22  
23    **2.7**   Gates, fences and security doors to all match with either Copper Hedge or Thunder Ridge  
24          colors only.  
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26    **2.8**   Common area fences and gates will be maintained by the Association.  
27  
28    **2.9**   The following Dunn-Edwards color options are available with no variations.  
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<u>OPTION</u>	<u>HOME COLOR</u>	<u>WOOD TRIM</u>	<u>GARAGE DOOR</u>	<u>GATE &amp; FENCE</u>
A	Sealpoint SP 338	Thunder Ridge SP 2780	Sealpoint SP 338	Copper Hedge DE 3042 Thunder Ridge SP 2780
B	Sealpoint SP 338	Stonish Beige SP 68	Sealpoint SP 338	Copper Hedge DE 3042 Thunder Ridge SP 2780
C	Sealpoint SP 338	Thunder Ridge SP 2780	Thunder Ridge SP 2780	Copper Hedge DE 3042 Thunder Ridge SP 2780
D	Copper Dust SP 2450	Stonish Beige SP 68	Copper Dust SP 2450	Copper Hedge DE 3042 Thunder Ridge SP 2780

1 | **ARTICLE III**  
2 | **VEHICLES**  
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- 4 | **3.1** Based upon Section 8.4 of the Ventana de Sabino Homes Declaration, the intent of the  
5 | Declaration is to prohibit parking on the streets. Based upon Section 6.8 of the Ventana  
6 | de Sabino Homes Declaration, the Association has the right to prohibit or limit the use  
7 | thereof, provide parking regulations, or generally regulate the same.  
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- 9 | **3.2** The Board of Director’s intent is to have no overnight street parking for residents. This is  
10 | based on traffic safety concerns. At the same time, the Board wants to provide for short-  
11 | term guest parking.  
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- 13 | **3.3** Therefore, guests will be allowed to park temporarily at the Northwest end of Entrada de  
14 | Sabino along the west side of the street by the boundary wall. No parking will be  
15 | allowed to be on the side of the houses. Additionally, the pool area parking spaces will  
16 | be allowed to be used for guests to park temporarily.  
17 |
- 18 | **3.4** Speed Limit on all Ventana de Sabino roads is 15 M.P.H. All persons using the private  
19 | roads within this community shall follow the posted speed limit signs, and drive on the  
20 | right side of the road at all times. The Board may at their sole discretion, impose penalties  
21 | upon those members who violate this rule as per Article IV.  
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23 | **ARTICLE IV**  
24 | **IMPOSITION OF PENALTIES AND NOTICES OF VIOLATIONS**  
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- 27 | **4.1** The Board of Directors on August 1, 2007 adopted a resolution to conform to Chapter 16  
28 | of the Arizona Revised Statutes, Section 33-1803(B), Arizona Planned Communities Act  
29 | regarding the imposition of reasonable monetary penalties. The procedure for imposing  
30 | fines for such violation(s) is set forth below and supersedes any other such procedure  
31 | previously adopted by the Board.  
32 |
- 33 | **4.2** Friendly Reminder - In most cases, and when appropriate as determined by the  
34 | Association Manager, the first notification to an Owner of their violation of the  
35 | Association’s governing documents will be means of a “friendly reminder” letter. The  
36 | Association Manager will issue the letter.  
37 |
- 38 | **4.3** Notice of Violation(s) - If within thirty (30) days of the date of the “Friendly Reminder”  
39 | compliance is not gained; a written “Notice of Violation(s)” shall be sent to the Owner of  
40 | the Lot via regular mail and shall specify the relevant facts relating to the violation.  
41 |
- 42 | **4.4** Pursuant to ARS §33-1803, the Notice of Violation shall include a written statement  
43 | signed by the complaining Member or the Association Manager that contains:  
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- 45 | **4.4.1** The Name of the complaining Member or Association Manager;
  - 46 | **4.4.2** The provision or provisions in the Declaration or Rules that has allegedly been  
47 | violated;
  - 48 | **4.4.3** The date or dates of the alleged violations;

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- 4.4.4 A demand that the Member respond to the complaint in writing, via certified mail, within 10 business days of receipt of the Notice of Violation.
  - 4.5 If the Owner is leasing his/her home, the Association may provide a copy of the Notice of Violation(s) to the Owner's tenant. In the Board's discretion, the Board may bring the process with the Notice of Violation, bypassing the Friendly Reminder.
  - 4.6 Continuing Violation(s). Each day a violation(s) continues after notice to cease has been given by the Board to the Owner constitutes a separate violation(s) and can be subject to a fine.
  - 4.7 Notice of Hearing - If the violation(s) continues without response to the "Notice of Violation" the Association may send another letter. In its discretion, the Board may decide to send the Owner a written "Notice of Hearing". The notice should contain:
    - 4.7.1 The nature of the alleged violation(s);
    - 4.7.2 The time and place of the hearing, which shall be not less than seven (7) days from the date of the notice;
    - 4.7.3 An invitation to attend the hearing and produce any statement, evidence, and witnesses on his or her behalf; and
    - 4.7.4 The proposed sanction to be imposed, which includes the imposition of a fine and the payment of any attorney fees incurred by the Association.
  - 4.8 Hearing – The hearing shall be held pursuant to the Notice of Hearing. The complaining Member and the Owner shall be afforded a reasonable opportunity to be heard. In cases in which a complaining homeowner initiated the process, the Board shall evaluate the proof according to the attached Policy on Evaluating the Proof.
    - 4.8.1 Before any sanction becomes effective, the Association shall submit proof of the notice and invitation to be heard.
    - 4.8.2 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 Owner's lot file.
    - 4.8.3 The notice requirement is satisfied if the Owner appears at the meeting.
    - 4.8.4 The minutes of the meeting shall contain a written statement of the results of the hearing and sanctions, if any, to be recommended to the Board.
  - 4.9 Imposition of Fine and any other Sanctions - At the conclusion of the hearing, the Owner may be excused from the hearing and the Board of Directors shall deliberate on the amount of the fine to be imposed, if any, based on:
    - 4.9.1 The seriousness of the violation(s);
    - 4.9.2 Whether this is a first violation or a continuing violation(s);
    - 4.9.3 Whether the type of offense poses a danger to property or any person;
    - 4.9.4 Any other extenuating circumstances and whether the Owner agrees in good faith to correct the violation(s) within the time specified by the Board of Directors;
    - 4.9.5 Whether the amount is sufficient to obtain compliance, based on the facts;
    - 4.9.6 Impact on property values;

- 1           **4.10** These Fine Guidelines are not binding. The Board of Directors may impose a fine in any  
2 reasonable amount, based on the application of the factors above
- 3           **4.11** Monetary fines for violation(s) of the governing documents and/or rules and  
4 regulations of the Association may be as follows:
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|---|-------|
| 5 <b>4.11.1.1</b> First violation                                     | \$25  |
| 6 <b>4.11.1.2</b> Second violation (of the same nature)               | \$50  |
| 7 <b>4.11.1.3</b> Third violation (of the same nature)                | \$100 |
| 8 <b>4.11.1.4</b> Each violation after the third (of the same nature) | \$250 |
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- 10          **4.12** The Board of Directors is empowered to impose a fine for each day that the violation(s)  
11 continues.
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- 13          **4.13** After the Board of Directors determines the amount of the fine, the Board of Directors  
14 shall send notice to the Owner of the amount of the fine and its due date
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- 16          **4.14** Post-Hearing Grace Period. An additional grace period of ten (10) days, beyond the date  
17 of the Hearing, will be granted for correction of any violation brought before the Hearing  
18 Panel. Failure to correct said violation within that time frame will result in the penalty  
19 specified for the violation being imposed retroactive to the date of the Hearing;
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- 21          **4.15** Request for Reconsideration to the Board of Directors.
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- 23               **4.15.1** The Owner may request reconsideration by the Board of Directors.
- 24               **4.15.2** In order to schedule an appearance before the Board, the Owner must submit a  
25 written request to the Association Manager within seven (7) days of receipt of  
26 notice of the sanctions.
- 27               **4.15.3** The meeting shall be scheduled and the Owner notified of the date, time and  
28 location via certified and regular mail.
- 29               **4.15.4** The meeting will be held in an open Board meeting pursuant to the Notice of  
30 Hearing and the Owner shall be afforded a reasonable opportunity to be heard.
- 31               **4.15.5** At the conclusion of the meeting, the Owner may be excused from the meeting  
32 and the Board shall issue a ruling on whether the sanction stands, is modified or  
33 is rescinded.
- 34               **4.15.6** The Board shall send a written notice to the Owner of its ruling.
- 35               **4.15.7** The ruling of the Board will be final.
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- 37          **4.16** Payment of the Fine and/or Penalties. The Board shall advise the Owner that any fine,  
38 which is not paid within fifteen (15) days of its due date, is delinquent and subject to late  
39 fees and interest the same as any other assessment, subject to applicable Arizona law  
40 (ARS 33.1803.B limits to the greatest of \$15.00 or 10% of the amount due).
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- 42          **4.17** Collection. Fines and penalties will be collected from the Owners
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- 44          **4.18** No Waiver - The Board's adoption of these Rules is not intended to waive the Board's  
45 right to authorize judicial enforcement of the Governing Documents nor any other rights  
46 of enforcement that the Association has under law or equity.
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