**LAS BRISAS HOMEOWNERS’ ASSOCIATION**

**Rules and Regulations**

**A Summary of Articles IV and V of the CC&Rs**

Las Brisas is a community of 160 single-family townhomes located at 1815 South River, Tempe, Arizona. It is important to each homeowner that the community maintains a high aesthetic and strong financial value.

The purpose of these Rules and Regulations is to summarize the Declaration of Covenants, Conditions and Restrictions (CC&Rs), Article IV Use Restrictions and Article V Maintenance, which have been accepted by each owner as a precondition to ownership and a fundamental part of living at Las Brisas.

Homeowners are responsible for the actions of their guests and/or renters. Any violations of these Rules and Regulations fall on the homeowner.

Also included is a reference to the Arizona Revised Statutes regarding Planned Development Communities.

The maintenance of all facilities and common areas is paid for by a monthly homeowners’ association fee. Therefore, it is to the advantage of all to enjoy the facilities and see that they are cared for in a proper manner.

If each resident of the community will respect the feelings and rights of other residents, we will achieve the goal of a harmonious and increasingly prosperous community.

# BOARD OF DIRECTORS

The Board of Directors is made up of at least seven members duly elected at the Annual Meeting of Homeowners, held each year in December. Vacancies during the year may be filled by appointment of the Board. Any resident in good standing is eligible to become a Board member. The purpose of the Board of Directors is to follow the Bylaws and CC&Rs for the Association and to act in the best interest of the total membership.

# VOTING & RECREATIONAL USE RIGHTS

Each unit owner in good standing has an individual interest in the Las Brisas community and has one vote per unit in matters concerning the Association. In the event an outstanding assessment balance remains unpaid following ten days’ written notice, the Association may suspend the owner’s voting rights as well as the right to use the recreational facilities.

# ASSOCIATION FEES

The association fee for the calendar year 2022 is $228.00 per unit per month. The fee is due and payable the first day of each month. Fees not paid to Las Brisas by the 30th day of the month are considered delinquent and are subject to a late-fee penalty. Please contact the Board at (480) 303-0251 for further information as required.

# INSURANCE

The Association maintains insurance coverage for all common areas, including the landscaped common area, and the main structures such as the pool and the buildings. In addition, there is General Liability Coverage for Las Brisas Officers and the Board of Directors. It is strongly recommended that each homeowner carry a separate H06 policy for the interior of the unit. In accordance with the CC&Rs, each owner is responsible for the following maintenance. The Association insurance policy will not cover these owner-maintenance items:

* All conduits, plumbing, water and sewer, wiring, and other facilities for the furnishing of utility services located within the boundaries of a lot shall be maintained by the owner.
* All air conditioning and heating equipment, interior equipment such as dishwasher, laundry, refrigerator, oven/stove, water heater and fireplaces shall be maintained by the owner.
* Interior fixtures such as electrical and plumbing fixtures, floor coverings, and all interior surfaces including inside paint and other inside wall finishes shall be maintained by the owner. Owners shall also maintain all windows, doors, and all hardware appurtenant thereto.

# GENERAL ASSOCIATION RESPONSIBILITIES

The Association is charged with the following fiduciary responsibilities:

1. Maintenance of all common elements, such as recreational facilities, landscaping, buildings, parking areas, lighting, and streets.
2. Financial responsibility for all common area utilities.
3. Insurance coverage for all buildings and common elements.
4. All landscaping areas outside of patio fencing and screening walls or fences.
5. As to the buildings and structures on the individual lots, the Association shall provide:
   1. Exterior surface maintenance, including painting and repair of the exterior building surfaces.
   2. Repair and maintenance of roofs, gutters, and downspouts.
   3. Maintenance of the exterior surface of the patio fences.

# GENERAL HOMEOWNER RESPONSIBILITIES

The homeowner is responsible to maintain the following:

1. The interior of the unit.
2. Heating and air conditioning units, all appliances.
3. All conduits, plumbing, water and sewer, wiring, and other facilities for the furnishing of utility services located within the boundaries of each owner’s lot.
4. All windows, doors, and door & window hardware.
5. Patio fences except for the exterior surfaces.
6. All areas inside of the patio walls/fences and screen walls/fences.
7. All electrical wiring, gas, and water lines located between the meter and the unit.

# GENERAL ASSOCIATION RESTRICTIONS

The following restrictions are applicable to all units and the entire membership except where noted:

1. No noxious or offensive activities.
2. No rubbish or debris cans on a lot. Trash must be kept in a covered container and screened from view both from the street and from adjacent lots.
3. No laundry shall be visible anywhere, including balcony and back patio areas.
4. Only standard window coverings are acceptable. No reflective or other unapproved materials are to be used on the glass of any windows nor are other items such as newspapers, blankets, etc., to be used as window coverings.
5. “For Sale” or “For Rent” signs may be displayed in front of the units so long as the sign does not interfere with vehicle or pedestrian traffic. Signs are not allowed in the common areas. Signs must be on a standard real estate type metal or wood post. Signs attached to fences, doors, wood trim, or the stucco surfaces of the units will be removed without notice.
6. No unsightly items are allowed to be above the height of the back patio fence.

# ARCHITECTURAL CONTROL

This community was planned by architects with a primary objective of seeking to carry out a uniformity of design in the exterior building appearance. Therefore, alterations or additions are discouraged. The Las Brisas CC&Rs Article VIII, Section 1 states:

“No building, fence or wall or other structure shall be commenced, erected or maintained upon the lots or the common area, nor shall any exterior addition to or change or alteration therein be made, nor shall any painting or any other change in the exterior of any said building or exterior lighting on said building be made until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing by the Board of Directors.”

Thus, no additions or alterations are to be made to the exterior of the building, front yards, or any common areas. If it is visible, there must be prior written approval from the Board of Directors.

All air conditioning and heating units must be installed on the ground level and screened from view by fences and hedges.

A request for an architectural change must be submitted in writing in the form of an “Architectural Change Request”, which can be obtained from the Board of Directors.

# PARKING / VEHICLE AND TRAFFIC SAFETY

Our roads are too narrow to accommodate much parking while simultaneously allowing the safe and convenient movement of vehicles, pedestrians, and bicyclists. Accordingly, the following restrictions apply to the parking of vehicles:

1. On street parking of vehicles is restricted to within those areas specifically marked for this purpose by white lines.
2. Except for trucks or vans belonging to persons doing work on the premises during daylight hours (or at other times during emergencies), trucks, buses, vans, trailers, boats, campers, and similar type vehicles or equipment shall not be parked in the streets or front yards, or in other areas which make said vehicles visible from the street or the residence of any other Lot in Las Brisas.
3. Motor vehicles may not be driven in any way which violates applicable city and state laws.

## Recreational Vehicles

A recreational vehicle storage area is provided in the northwest corner of the development. Keys and spaces for the use of this area are provided by the Board of Directors or their authorized agent for an annual fee.

**GARBAGE**  Garbage cans may not be stored in any common area. No garbage shall be allowed to accumulate on a homeowner’s premises.

# LANDSCAPING

Landscaping and plantings within the walls and fences of individual townhouses are the responsibility of the owner of the unit. Plantings must not be allowed to become a nuisance or to damage the common property or property maintained at the community expense of the Homeowners’ Association. For example, trees must not be allowed to crack walls or to break asphalt and concrete pavement; tree limbs and vines must not be allowed to grow onto roofs and to damage or weaken roofing.

Homeowners will be notified when their landscaping and plantings become a visual nuisance or when it appears to be damaging or weakening walls, fences, roofs, streets and other property. The Board of Directors may require the responsible homeowner to maintain or remove the plantings in question or may notify the homeowner of his/her financial responsibility for any damage caused by his/her plantings. Failure to maintain or remove plantings at the written request of the Board will result in the Homeowners’ Association contracting the services required and assessing the homeowner.

Large trees in the patio areas of the units are the sole responsibility of that particular unit owner. Owners are to maintain the trees in their patio area so that the tree doesn’t become a hazard to the unit or other structures in the area. Should the Association determine that a tree is dangerous or causes an undue risk, it will notify the owner of the problem and ask that removal or trimming work be done. Removal may be required if the tree increases the insurance risk for the community, or if the tree is a serious danger to structures in the area. The owner is responsible for any damage done by the tree to structures in the community.

# EXTERIOR UNIT APPEARANCE

Each homeowner is responsible for maintaining the external appearance of his/her townhouse so that it does not create a nuisance or safety hazard. This particularly applies to the storage of property in carports, and in front and back yards. These areas may not be used to store anything which creates a nuisance or safety hazard.

Homeowners will be notified when they are in violation of this regulation and will be asked to correct the situation. If there is an imminent and serious hazard and the owner fails to correct the situation, the Board will have the hazardous items removed from the property at the owner’s expense.

# PETS

Pets are the responsibility of their owners at all times. No animal species is allowed to be bred for commercial purposes.

# NOISE AND OTHER GENERAL NUISANCES

Residents of Las Brisas and their guests are to conduct themselves so as not to create nuisances or to diminish the attractiveness of Las Brisas. This applies to activities occurring both within and without a townhouse.

Because of the close proximity of the units, noise travels easily. Whether the noise is from music, the human voice, cars, or other sources, it must not be so loud as to create a serious nuisance for those living in the community.

Any use of the streets and common areas must not cause damage or litter. Any damage or litter must be repaired/cleaned up by the responsible party or by the homeowner responsible for this individual.

Uses of the townhouse and garage/carport must conform to applicable zoning restrictions. Other applicable laws and restrictions are contained in the Las Brisas CC&Rs. Failure to conform is hereby defined as a violation and subject to fines.

# POOL USE

General common sense and courtesy must prevail at all times at the pools. There is no lifeguard on duty; therefore, adults must accompany children at all times.

Entry to the pool areas in all instances is to be through locked gates with keys issued by the Board of Directors. Entry by any other means is considered to be trespassing and will result in the Board having criminal charges filed against the responsible individuals.

Removal of any items of furniture purchased by the Homeowners’ Association is theft and likewise will result in criminal charges being filed.

# FINES AND REPORTING OF VIOLATIONS

Any infraction of the CC&Rs by an owner, resident family member, tenant, or guest shall result in a fine against the applicable owner. The Bylaws Article VII, Section 1 give the Las Brisas HOA board the enforcement power to assess fines.

Violation notices will follow the steps outlined in the Arizona Revised Statute, 33-1242, Powers of unit owners' association; notice to unit owner of violation.

A unit owner who receives a written notice that the condition of the property owned by the unit owner is in violation of a requirement of the condominium documents without regard to whether a monetary penalty is imposed by the notice may provide the association with a written response by sending the response by certified mail within twenty-one calendar days after the date of the notice. The response shall be sent to the address identified in the notice.

Violations may be reported to (480) 303-0251. Violations involving parking, dogs, intoxication, noise, or abusive behavior can also be reported directly to the Tempe police. Their nonemergency number is (480) 350-8311.

*Thank you for your cooperation in helping make Las Brisas a better community for all who live here.*