

## BRIARWOOD PLACE HOMEOWNERS' ASSOCIATION

### **RULES & REGULATIONS and ARCHITECTURAL GUIDELINES**

Adopted October 21, 2021

Rules and Regulations are a necessary part of condominium townhouse living. They are designed to enhance and maintain your quality of life and your investments in your home. The Briarwood Place Board of Directors is authorized by the CC&R's and Bylaws to establish, promulgate, and enforce such rules and regulations. They may also impose fines for violations having given the Homeowner warning and an opportunity to respond in writing or in person. The first violation provides a courtesy warning. A fine of \$50 is authorized for the second violation, \$100 for the third violation, and \$200 for the fourth and each subsequent violation of the same rule or regulation. Please refer to the May 2021 fine policy which specify these fines.

*This document contains the Briarwood Place Community Rules and Regulations which includes Architectural and Construction Guidelines as well as the community's landscape policy.*

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## ENTRY GATES

Briarwood Place is a 47-unit community that is accessed by two automatic gate control systems. Homeowners are provided a 4-digit entry code and the option to purchase remote auto openers for both gates. The East main gate off 74<sup>th</sup> St. can be accessed by code OR remote. The West (Hilton) gate can only be entered by remote or vendor code. Please note: personal codes also not to be posted at the entry gate. Personal codes are not to be shared with your vendors. **Please note: Any personal codes shared with vendors will be cancelled, without notice.**

All vendor traffic visiting your residence is to enter from the West Hilton gate only. Private guests can utilize the main gate. This is due to the sharp turn off 74<sup>th</sup> St. and the repetitive damage to the gate from commercial vendor vehicles. *Any damage caused to gate structure, equipment or community streets by a homeowner's vendor, will be repaired at the expense of said owner.*

## VEHICLES AND PARKING

No trucks, buses, trailers, boats, motor homes, commercial vehicles, or vehicles other than passenger vehicles shall be permitted on lots other than while making deliveries. This restriction does not apply to authorized public service and/or emergency vehicles, or, to boat trailers, trucks, motorcycles, or recreational vehicles stored or parked wholly ***within garages only.***

Parking is not permitted on any non-paved areas visible from the street.

Overnight street parking is prohibited at Briarwood Place between the hours of 1 AM and 5 AM, seven days a week. All vehicles parking on the street during this time will be subject to tow at the owner's expense and/or fines. The community is subject to random inspections for enforcement.

Each home has room for two (2) vehicles in the garage and two (2) vehicles in the driveway. **Please note, all vehicles in the driveway may not extend into the sidewalk. They must be wholly contained within the driveway space.** In the event you have guests that require additional parking spaces beyond these four spaces and a homeowner, or a guest needs to park on the street during the hours of 1 AM and 5 AM, written permission (via email) must be obtained from a Board Member or Community Manager. This permission may not exceed a maximum of five (5) days.

## WASTE DISPOSAL

City of Scottsdale provides waste disposal service early each Tuesday and Thursday morning. Please remove containers from the street promptly after pickup, no later than 6pm of the day of service. Waste that will not fit in the containers provided can be disposed of by calling the Scottsdale Department of Sanitation.

Trash receptacles are to be stored in your garage or behind your gate. They must not be visible from neighboring property or from the street.

Bulk trash is offered by the City. Please refer to the city's solid waste website for dates. All bulk trash can be out no later than the Sunday evening of the week of bulk trash. *All landscape debris must be contained and not left to blow around the community.*

### UNSIGHTLY ITEMS

Please keep the garage doors closed when access to the garage is not needed. *Garages were meant for cars, not storage. **Toxic and/or flammable materials are not to be stored in garages.** Excess storage is a fire hazard and must not be allowed to accumulate. The Board will address these situations as they arise, but please understand the community cannot be subject to the risk of excess storage and potential fire hazard.*

Clotheslines, equipment, service yards, and woodpiles shall be placed to conceal them from view of neighboring residences and streets.

Window treatments must be of a finished material and cannot be constructed of temporary paper, cardboard, or aluminum material. Please submit an architectural request for shade screens, window replacements, window tint and any changes to the exterior of the windows.

Accessories, without limitation, such as heating or a/c equipment shall not be visible from neighboring property, or the street.

Permanent basketball goals are not allowed.

Signage of any type, other than real estate, is not permitted without prior Board approval. For Sale/Realty Agency signs are limited to (1) one per household. No signs may be placed outside the gates, except for temporary open house signs limited to no more than (8) eight hours daily.

Satellite/Antennas must be submitted via architectural request. Please take care for placement, while not to impede usage, does consider neighboring view.

### LIGHTING AND NOISE

All homeowners have the legal right to the peaceful enjoyment of their property. As such, homeowners should not have exterior lighting that shines directly into neighboring properties. The use of light shields will permit the illumination of homeowner properties and at the same time keep bothersome light from interfering with adjacent neighbor enjoyment of their property. Motion-triggered flood lights found in the front of some homes should be programmed to trigger when motion is sensed on your property only (driveway, lawn, or walkway), not the street.

All carriage light maintenance is the responsibility of the homeowner. This includes replacing burnt out lightbulbs. The lightbulbs used are LED Edison Bulb Dimmable Amber Warm 2700K Antique Vintage Style Filament Light Bulbs 40W Equivalent. These are available from management for a \$10 fee.

Homeowners are to respect neighbor's peace by keeping all noise generation to an acceptable level. Please ensure all barking dogs are tended to promptly. The City of Scottsdale noise ordinance (section 5.2808) quiet hours are from 11:00 PM to 7:00 AM.

If you have an alarm system, you MUST leave a contact phone number for a person who can address any false alarms.

### PETS AND WILDLIFE

When outside the homeowner's back or fenced side yard and within the Briarwood Place complex, dogs must be restrained on a leash. At no time, day or night, should they be allowed to run free.

Owners are responsible for cleanup after their pets. Further, owners are responsible for quieting their barking dogs promptly. A continuation of such noise might become a disturbance to the neighbors. Violation notices may be issued for excessive dog barking.

**Please ensure all fruit is removed from trees promptly.** This has led to an increase of roof rats within the community. We must all do our part to keep the community safe from such rodents. Please do not feed any wildlife in our community, which also includes feral cats. This only attracts more creatures, especially birds that make a mess in our community.

### HOME RENTAL OR LEASE

A homeowner who rents/leases their home is responsible for notifying the HOA Management Company of that fact and fill out the appropriate tenant registration forms and pay any fees due. *All leases must be for a minimum of 90 days.* Only Single-Family residential use is permitted. Homeowner is responsible for informing their renter/lessor about the Bylaws, Covenants and Restrictions and Rules and Regulations of the HOA.

The Homeowner is held responsible for the conduct of the renter/lessor as it affects any property within Briarwood Place.

The Homeowner is responsible for all required monthly payments to the HOA and for the maintenance and upkeep of their property at all times.

## STREETS

Our streets are private drives. We own them and must maintain them. Please do your part in keeping them clean. For the safety of our residents and children, do not drive more than (15) fifteen miles per hour.

Damage to the streets by any owners' vendors or contractors will result in the owner being held financially responsible for repair. Streets shall not be used as a work or staging area or for storage of construction materials. Additionally, dumpsters in the street are strictly prohibited and must be placed in your driveway, per the Architectural Guidelines.

## POOLS

It is not permissible to back wash or drain pools into the streets of the subdivision or through walls to areas outside of our community such as through the wall to 74th St. or toward the Hilton Village. This is not only in violation of our rules but is against Scottsdale City law.

Backwash water should be kept in the homeowner's backyard, on the grass, if possible. Pool draining should be done into a sewer cleanout located in most backyards and in most front yards, as well. Ask your pool person or a Board member or Community Manager to assist you in locating a clean out if you cannot find one on your property.

## EXTERIOR MAINTENANCE

Briarwood Place Board of Directors goal is to preserve and maintain community values. The community will be instituting an eight-year paint cycle effective 2022. Owners will receive a reminder at the beginning of the 8<sup>th</sup> year following the last exterior paint project and will have the calendar year to submit for approval of color selection and ensure the project is completed by year end.

Side gates must be kept in working condition and painted or stained as needed. Any request to change the gate will require an architectural submittal.

Garage doors should be kept dent free, clean of debris and in working condition.

## GARDENING, PLANTING, AND LANDSCAPING

The front yards are common areas of the association. As such, the Association has the sole responsibility for their landscaping and maintenance. It is the intent of the Board that this continue for the good of the community so that there is harmony and consistency for the overall look and feel of the community. Homeowners are solely responsible for their back and side yards and may garden and plant as they see fit in those areas so long as their results do not constitute a nuisance to their neighbors. Homeowners may not alter the landscaping outside their own walls. Should a homeowner wish to enhance or modify the landscaping, fences, or walls in the front yard at his/her expense, a detailed plan must be submitted to the Architectural committee for their prior approval.

**Existing Shrubs** - The HOA is responsible for trimming and pruning of front yard shrubbery and plants on a regular basis. Again, replacement (versus maintenance) is the responsibility of the homeowner in accordance with the approval process mentioned above. Any new shrub plantings require Board approval prior to planting.

**Existing Trees** - The HOA has been and is currently maintaining the existing trees in the common areas and in the front yards of all homes. This means that the HOA will contract with a qualified vendor to trim the trees as needed and spray the olive trees seasonally. Importantly, given the age of some of the trees (since 1978) the HOA cannot be responsible for damages to any structures, cars or any other property damages caused by falling limbs and downed trees. This is a homeowner responsibility. The Board recommends that homeowners check with their insurance provider to insure needed coverage. **Owners are required to pick up all fruit from fruit producing trees.**

**New Trees** - Any and all new trees require approval from HOA Board Landscape and Architectural Committee prior to planting. Trees must comply with approved tree list as to minimize HOA landscaping and underground repair expenses and to ensure that selected new trees will not create future excessive maintenance costs.

The HOA will reimburse homeowners up to \$300 for all approved tree removals and replacements in accordance with policy. Any plantings done without approval will not qualify for this reimbursement and may require removal to conform to policy. Any homeowner tree needing to be removed must be replaced by the property owner with an approved tree.

**Watering Systems** - The HOA has historically been responsible for maintaining the landscape watering systems in the common areas and in the front of all residences. This will continue, with the following leak control process:

**Leak Control Process:**

All homeowners and HOA Board members are expected to be vigilant for landscaping irrigation system leaks and when an apparent leak is detected to immediately act. Any homeowner in the Community has the right/responsibility to go to the irrigation control box, open the box and simply slide the switch to "OFF".

Homeowners will be given colored flags, *upon request*, that should be placed in the ground in an area adjacent to the noticed water system leak. The flag should be visible from the street so that landscape crews can easily spot flags. While leaks are readily identifiable during actual leaking, once the water system turns off, it is almost impossible to know when the leak occurred. *Therefore, we need all homeowners who see leaks to be actively engaged in this process. It is a community effort!*

Flags can be set by the homeowner whose property is leaking OR any HOA member who first notices the leak. Whoever sets the flag should notify the community manager by email noting, date time and flag location.

The replacement of irrigation control timers for individual residences is a homeowner responsibility. The HOA's landscaping contractor will continue to maintain irrigation control timers valves and sprinkler heads.

All homeowners are responsible for damages to the landscaping that has been caused by their contractors.

***You MUST leave the water and electricity on for the front sprinklers, streetlights, and time clock for your home.***

**Underground Systems:** - Homeowners are responsible for any failures of systems from their homes front or side walls to the main system in the front roadway. This includes water lines, power lines (including electrical repairs required for mailboxes and post lights) sewer lines, signal system lines, etc. Utility providers should take responsibility for some of these systems as governed by agreements between these entities and homeowners.

PLEASE NOTE: Backyards ARE REQUIRED to be maintained so that they do not encourage rats, bees, or overgrowth into other homeowners' yards. All palm trees MUST be trimmed yearly when they start to send out shoots and seed pods start to open and send seeds into neighbors' pools. Bushes and trees with limbs that hang over into the neighbor's yards must be trimmed. Citrus fruit MUST be picked to discourage rats from becoming residents.

## **ARCHITECTURAL AND CONSTRUCTION GUIDELINES**

### **Background:**

The Briarwood Place community is and has been experiencing a substantial number of home renovations and it is expected that this trend will continue for the foreseeable future. In general, homeowners welcome the increased property values for all community homes from such improvements and understand that certain rules and regulations need to be followed to control this growing process. These rules and regulations will be subject to amending from time to time by the Briarwood Place III Homeowners Association (HOA) Board of Directors (Board).

To ensure that acceptable standards are specifically followed in community construction and renovation activities, the (HOA) Board has developed the following rules and regulations consistent with the community CC&Rs. These rules and regulations are intended to ensure the enjoyment of individual homeowner properties and to ensure that property values are not inordinately negatively affected during these activities conducted within the community.

### **Architectural Committee Approval:**

With no exception, all construction, landscaping, painting, or other home/lot enhancements that will be viewable from street side, common areas or neighboring lots must receive PRIOR approval from the Briarwood Place HOA Architectural Committee (Committee). In addition, major internal home construction/renovations and/or back yard renovations that will necessitate continuous contractor trucks entering the community must also seek PRIOR approval from the Committee. Forms for such application are available from the Committee. Homeowners are ultimately responsible for the adherence to these rules and regulations for themselves and for their designated construction personnel.

Homeowners should review these regulations with potential contractors prior to engagement to ensure that they are aware of the requirements under which they must be working and are responsible for while operating within the Community.

All requests for approval of application submittals will receive a formal response from the Committee within 7 days of submittal.

### **Fees:**

To ensure that homeowners and outside contractors adhere to the defined rules and regulations as laid out by the HOA, a refundable security deposit of \$1,000 must be submitted with the required, formal written application to the Committee. In the event the resident/owner or his contractors do not follow the regulations contained herein or deviate from the Committee approved plan without prior approval of the Committee, this deposit will be subject to total or partial forfeiture. Should the initial \$1,000 fee become exhausted at any time, the homeowner will be required to pay additional \$1,000 fees to be held by the HOA as security deposit funds. All forfeited amounts and additional \$1,000 fees must be transferred to the HOA before work can continue. Upon construction conclusion, any remaining security deposit funds, if any, will be returned to the original depositor.

### **Mechanical/Electrical Equipment:**



All air conditioning, heating, heat pump or other environmental enhancement devices including solar devices and antennas of any kind whether mounted on the roof or at ground level at any homeowner residence must be screened from view by a masonry wall or by dense vegetation such that it is fully screened from view to the front, side and rear sight lines and must not be visible from the street, common areas or neighboring lots.

### **Colors & Finishes:**

All colors that are visible from the street, common area or neighboring lots are subject to Committee approval. A color chart of approved colors can be obtained from the Committee. The objective is to adopt a color palette that compliments the architectural style of our neighborhood. Painting shall be consistent from one elevation to the next around the entire perimeter of the house structure, raised stucco window & garage trim, garage doors, walls, and gating. Contrasting colors for front doors and side gates are permissible given the prior approval of the Committee. No decorative wall murals are permitted. Any change to the colors of the exterior of the home is subject to prior Committee approval even when utilizing approved colors.

Surface mounted cabling, piping and other facility connections should be painted the same color as the home. Smooth coating of home exteriors has been authorized by the Committee, however, requests for these changes must be submitted to the Committee for prior approval before work can commence.

### ***BRIARWOOD PLACE UPDATED PAINT COLORS***

|                            |                |
|----------------------------|----------------|
| <i>Sandbar</i>             | <i>SW 7547</i> |
| <i>Dovetail</i>            | <i>SW 7018</i> |
| <i>West Highland White</i> | <i>SW 7566</i> |
| <i>Mindful Grey</i>        | <i>SW 7016</i> |
| <i>Adaptive Shade</i>      | <i>SW 7053</i> |
| <i>Versatile Grey</i>      | <i>SW 6072</i> |

*Garage doors are to be painted the same stucco body color and can be either painted in a flat or semi-gloss material.*

*The wood trim for the eaves, the roof under decking and fascia boards may be painted in the stucco body color or Sherwin-Williams Black Alder SuperDeck Solid Color Flat Stain # SW 3022. If your trim has been painted previously in an enamel paint you will not be able to use a stain, in which case you will need to have them color match the Black Alder in an enamel paint.*

### **Trash & Construction Site Maintenance:**

During any interior or exterior renovations to any home, all trash must be placed in an

acceptable trash container/dumpster located and contained within the driveway. Such containers shall be totally situated within the confines of the homeowner's driveway. Trash containers shall be small enough such that they do not protrude beyond the confines of the driveway into the street and should never be filled to a level that contained refuse is visible. NO trash is ever to be accumulated on the streets. During working hours, the streets may be used to facilitate work activities but used in a way not to inhibit neighborhood passage of trucks and personal vehicles. In no case should more than 1/4 of the street width be used for construction activities.

Trash containers must be removed from the homeowner property immediately upon completion of construction projects or within three (3) months' time from receipt of initial Committee construction approval, whichever comes first. If additional time is required to continue use of the on-site trash container beyond the initial three (3) month period, new formal approval for such an extension must be secured from the Committee.

At the end of each workday, the construction personnel shall sweep clean the construction site and driveway and, if necessary, water hose clean, any remaining debris that may have accumulated on the streets. Trash and debris shall not be permitted to accumulate on streets. Best efforts should be made to conceal construction materials from view whenever possible.

Port-a Johns should be situated such that they are not visible from the street.

During construction, each site shall be kept neat, clean, and properly policed to prevent it from becoming a public eyesore. Underlayment such as plywood, burlap, plastic sheeting, etc. should be used to protect driveway and street surfaces from damage from contact with construction materials such as sand, gravel, etc. and to minimize clean up requirements.

In the event the homeowner does not comply with the HOAs request to clean the area and the Committee is required to clean a homeowner's lot, driveway and/or surrounding area, the construction deposit account shall be charged according to the dictates of the Board.

**Signage:**

No advertising signs shall be displayed on any lot apart from real estate "For Sale" signs and "Open House" signs not exceeding three (3) square feet in size.

Displaying the American flag is permissible so long as the flag is mounted to the homeowner's structure and is of a reasonable size. Stand-alone, vertical flagpoles are not permitted. Pool, landscape, and renovation contractor signs are not permitted.

**Parking:**

Wherever possible, intra-day parking locations for construction vehicles and machinery shall be limited to the street area directly in front of the house subject to renovation and individual driveway for each house undergoing construction work unless otherwise approved by the Committee. Under no circumstance is any storage on streets permissible. All vehicles shall be parked so as not to inhibit traffic flow. NO vehicle shall remain parked on streets between the hours of 1:00 AM and 5:00 AM, 7 days a week. Fines will be levied for parking violations at the Board's discretion and fine monies taken from the construction deposit. In addition, the HOA maintains its authority to have violating vehicles towed off the streets at the vehicle owner's expense.

**Landscaping:**

Landscaping lawns, shrubs, trees, curbing and irrigation system components shall be returned to an acceptable condition upon completion of construction activities. Maintenance of new plantings will be the responsibility of the homeowner, not the HOA.

Substantial changes made to the original landscape design will require a formal approval from the Committee prior to the return of security deposit funds. If such substantial changes are contemplated, formal approval should be sought prior to the commencement of work to ensure Committee acceptance of the final product. Please refer to the complete Landscape Policy included in these guidelines.

**Construction Vehicles:**

Consistent with HOA CC&Rs, construction vehicles are not permitted to park overnight on home driveways or on community streets. Contractors and delivery vehicle drivers should be made aware of the narrow and curved constraints presented by gate control systems to ensure that gate equipment is not damaged upon entrance into the Community.

Responsibility for repair costs for damage to gate system components lies both with the homeowner using those services and their designated contractor.

**Working Hours:**

Contractor activities shall be limited to the hours between 7:00 AM and 6:00 PM Monday through Friday, 8:00 AM to 6:00 PM on Saturdays. No construction activity is permitted on Sundays.

**HOA punitive authority:**

From time to time, to fulfill its obligations to homeowners, it may be necessary for the Board to take punitive actions on behalf of the community. In the pursuit of exercising this responsibility the Board will demand repayment for expenses incurred by the HOA due to actions taken by homeowner(s) and/or their contractors.

With no exception, contractors entering the community to do any work on an individual homeowner's property must be authorized by the homeowner. Actions taken by such contractors while in the community that result in expenditures to rectify damage done by such contractors must be borne by the authorizing homeowner. Ultimately, it is the authorizing homeowner who is responsible to reimburse the HOA for the cost of rectifying any damage created in the community by their authorized or unauthorized contractors.