

**Crestview HOA  
Rules and Regulations  
Adopted 10/22/19**

**TABLE OF CONTENTS**

<b>Section 1 - Rules and Regulations Regarding Property Appearance .....</b>	<b>1</b>
<b>Section 2 - Rules and Regulations Regarding Nuisances .....</b>	<b>4</b>
<b>Section 3 - Rules and Regulations Regarding Services .....</b>	<b>4</b>
<b>Section 4 - Rules and Regulations Regarding Leased Property .....</b>	<b>5</b>
<b>Section 5 - Violations and Remedies .....</b>	<b>6</b>

**Section 1 - Rules and Regulations Regarding Property Appearance**

GENERAL: All property within the Crestview Subdivision is owned by lot owners. There is no common property owned by the HOA.

HOME EXTERIORS See Section 2.4 and 6.7 of the CC&RS and the Architectural Control Committee Policies and Procedures -The exterior, including trim color, of each residence must remain essentially in the same original color range as when the residence was built, if the building is repainted. Any repainting of the exterior or trim and other exterior changes, must be approved in writing by the Architectural Committee. Requests must be submitted in writing via email or regular mail to the Association.

ARCHITECTURAL CONTROL COMMITTEE POLICIES AND PROCEDURES

Title 33 of Arizona State Statutes under Chapter 16 as a Planned Unit Development (PUD) requires that a member of the HOA board serve as chair of the Architectural Control Committee (ACC). The HOA board authorizes the ACC Chair to impanel two other people to review any homeowner requests for change or for a violation of an unauthorized change.

Any exterior change, addition or rebuild to a property within the HOA must be consistent with the overall community design and be reviewed by the ACC before the change can be made. Please refer to the Arizona Revised Statutes Chapter 16 - Planned Communities at: <http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/33/01817.htm&Title=33&DocType=ARS>

Exceptions

Plantings (removal, replacement or additions) do not require approval so long as they are properly maintained, not invasive species (see list under Vegetation in this document), and do not grow over sidewalks and driveways, into neighboring yards, or against the house.

A homeowner requesting a change must submit a written request to the HOA by email or regular mail so that it may be entered into the official records of the HOA. Such request

for change must include plans and drawing of the proposed change. When the HOA receives a written request for change the following process will be followed:

1. The ACC will promptly advise the homeowner of the receipt of the request.
2. The ACC committee will review the change and meet with the homeowner if necessary to discuss the plans and drawings.
3. At least two members of the ACC must be present during all conversations with every homeowner.
4. The homeowner shall then have the opportunity to request final action on the request, or request time to amend the request before final action. All amendments need to be in writing,
5. Once the ACC has completed its final review and the homeowner requests a decision, the ACC shall report its recommendation to the homeowner and the HOA board. If the homeowner agrees with the recommendation, no further action by the ACC or HOA Board is needed.
6. If the homeowner does not agree with the ACC recommendation, the homeowner shall be given the opportunity to be heard before the HOA board and be notified of the date, time and place of the meeting for consideration of the request.
7. Two sets of documents (plans, blueprints, etc.) will be provided by the homeowner and/or builder on any new construction or rebuild to the ACC. One copy will be kept in HOA records and the other copy will be returned to the homeowner. The adopted Crestview HOA Architectural Change Request Form is a required part of the submittal proposal.

LANDSCAPING & Lot Maintenance See Section 6.7, 6.8, 6.17 of the CC&RS and the Architectural Control Committee Policies and Procedures

#### **VEGETATION:**

Homeowners shall maintain the landscaping in both the front and rear yards by keeping yards free of weeds and by periodic pruning of trees and shrubs. No trees or shrubs may obstruct sidewalks nor grow over into adjacent lots. Dead vegetation and invasive weeds and parasites must be removed in a timely manner. Some invasive weeds and parasites are:

- a) Common Bermuda Grass (*Cynodon dactylon*) - Invasive weed grass.
- b) Desert Broom (*Baccharis sarothroides*) - Invasive weed plant.
- c) Red Brome (*Bromus rubens*) - Non-native invasive winter grass.
- d) Fountain Grass (*Pennisetum setaceum*) - Self-seeding perennial bunchgrass.
- e) Mulberry Tree (Male) (*Morus*, male var.) - Noxious pollen producers.
- f) Oleander (*Nerium oleander*) - Large invasive and toxic shrub.
- g) Olive Tree (*Olea europaea*) - Allergy-producing pollen. "Swan Hill," "Wilson Hill" and similar non-flowering varieties that produce no pollen may be considered.
- h) Russian Olive (*Elaeagnus angustifolia*) - Non-native invasive tree.
- i) Pampas Grass (*Cortaderia selloana*) - Invasive clump grass.
- j) Paradise Tree (*Ailanthus altissima*) - Also known as "Tree-of-Heaven," non-native, highly invasive weed tree.
- k) Giant Reed (*Arundo donax*) - Large, fast-growing invasive non-native grass.

- l) Russian Thistle (*Salsola tragus* & *Salsola iberica*) - Small highly invasive shrub, also known as “Common Tumbleweed.”
- m) Tamarisk (*Tamarix chinensi*) - Aggressive invasive tree or large shrub, also known as “Saltcedar”.
- n) Mistletoe (*Viscum Album*) - Mistletoes attach to and penetrate the branches of a tree or shrub and they absorb water and nutrients from the host plant.

WASH MAINTENANCE:

The adjoining lot owners own the storm water drainage wash between Elm Street and Ridgeview Drive with an easement for access by the City of Cottonwood. The wash is considered a natural area and is exempt from the landscaping regulations. Any plantings in the wash, however, must abide by the landscaping regulations and must be approved by the State of Arizona. If there are concerns of flooding or fire hazard, the City of Cottonwood will be called to evaluate the situation.

ANNUAL CLEAN UP: Each lot owner shall clean up fallen leaves soon after trees and shrubs drop their leaves. Palm trees must be kept trimmed of dead branches.

BURNING IS PROHIBITED: Burning of brush, trimmings or slash is not permitted within the Crestview subdivision.

LANDSCAPE ROCKS: Each lot owner shall keep the landscape rock evenly distributed so that landscape fabric and bare ground is not exposed. Each lot owners shall keep the landscape rock swept back from the sidewalk.

HOSE STORAGE: Garden hoses should be stored so as not to be visible by the neighbors. Hoses neatly coiled or wound in hose reels are acceptable but discouraged.

PARKING - See Section 6.9 of the CC&RS and Cottonwood city ordinances  
All vehicles must be kept on blacktop streets, in driveways or garages. No Vehicle may be parked on, or in any way obstruct a sidewalk. The city fine for obstructing a sidewalk is \$95. Violations may be reported to the city police department. Association rules further prohibit parking on landscaped areas unless a permit has been obtained from the association board.

VEHICLES - See Section 6.9 of the CC&RS

Repairs and changing of oil on motorized vehicles or equipment of any kind in a driveway is prohibited. Motorized vehicles that are not in running condition may not be parked in driveways and must be removed.

TEMPORARY PARKING OF RV - See section 6.9 of the CC&Rs

The association allows the temporary parking of a Recreational Vehicles (RV) or Campers for a maximum of 72 hours for the purpose of loading or unloading the vehicle for a trip. In no event shall the temporary vehicle be parked on landscaping or in any way obstruct a sidewalk. No temporary vehicle is allowed to be occupied or used by houseguests while being temporarily parked.

## Section 2 - Rules and Regulations Regarding Nuisances

PETS – See Section 6.3 of the CC&RS

Pets, including dogs **AND** cats, are to be restrained on no more than a 12-foot leash at all times unless they are enclosed in a fenced yard or within a house. Homeowners walking pets shall have with them equipment to pick up and shall pick up all excrement from sidewalks, streets and from all private property to which they have given their pet access. Pet owners shall also be responsible for resetting any rocks or stones their pets displace. Owners shall be obligated to keep their pets on public property as much as possible.

Barking dogs are not to be left outdoors or alone indoors where they disturb the neighborhood. They may be reported to Cottonwood Animal Control and fines may be imposed by the HOA for habitual offenders.

Bee keeping and beehives are prohibited in the Crestview neighborhood.

NOISE - See Section 6.10 of the CC&RS

Noise or loud music emanating from any property, whether the source is indoors or outdoors is not permitted. Excessive disturbance may be reported to the Cottonwood Police Department.

## Section 3 - Rules and Regulations Regarding Services

TRASH – See Section 6.11 of the CC&RS

People residing in the Crestview Subdivision must use one of the preferred waste haulers approved by the board of directors. The purpose of this rule is to minimize the number of trucks going through the subdivision.

Crestview Homeowners' Association has two preferred trash haulers:

Taylor Waste	Patriot Disposal
232 S. 6th St	9434 E Valley RD
Cottonwood, AZ 86326	Prescott Valley, AZ 86314
928-649-2662	928-203-9995

Ask for discounted prices offered to members of the Crestview Homeowners Association.

The association also encourages homeowners to help reduce the amount of litter in the neighborhood by bagging trash and keeping roll out containers fully closed.

GARAGE SALES/YARD SALES

Garage Sales/Yard Sales shall be limited to two (2) times per calendar year per individual residence in Crestview Homeowners Association. Each sale may be held for up to three (3) consecutive days.

#### **Section 4 - Rules and Regulations Regarding Leased Property**

The Association's CC&Rs [Section 6.2 as amended] limit Leased Properties to 20% (17 properties) of the total home sites within the Crestview Subdivision. The Crestview HOA Board interprets the term "Leased Property" as not being occupied by the owner listed on the deed. If the property is listed as being owned by a trust, the property is considered owner occupied if the Trustee or Trustor occupies it. If the property is listed as being owned by a corporation, then the property is considered owner occupied if a member of the corporation occupies it.

##### Leased property procedures:

1. Owners wishing to lease their property must first complete an Application for Approval to Lease Property which is available on the Association's website, <http://hoacrestview.com>. This application shall be mailed to 1450 E Crestview Dr. Cottonwood, AZ 86326 or email [hoa@hoacrestview.com](mailto:hoa@hoacrestview.com).
2. The board or their designee will then determine if there is space available in the Leased Property complement and respond to the owner accordingly. All properties shall be leased within 90 days from the date of approval. Properties not leased within that time frame shall be required to re-apply.
3. If the compliment is full, the owner's application will be placed on a waiting list. The order on the list shall be determined by the application date either by email or postmark.
4. All leases shall be for an initial period of not less than one year.
5. Property owners are further required to annually submit (on the anniversary of the lease) an update to the HOA of the status of the lease in writing by mailed to 1450 E Crestview Dr. Cottonwood, AZ 86326 or email [hoa@hoacrestview.com](mailto:hoa@hoacrestview.com).
6. All leased properties must be registered with the Yavapai County Assessor, <http://www.yavapai.us/assessor/>, as a leased property WITHIN ten (10) DAYS OF SIGNING THE LEASE as required by ARS§33-1902.
7. Out of state owners must designate and RECORD with Yavapai County, a Statutory Agent in Arizona for the leased property per ARS §33-1902.B and provide a confirmation copy to the Association. Contact the Yavapai County Assessor, <http://www.yavapai.us/assessor/>, for specifics on the notice content and format.
8. Within fifteen (15) days of signing the lease, renewal, or revision, the Owner shall complete and return a Tenant Information Form, which includes the following information:
  - (a) The name/s of the adult tenants;
  - (b) Vehicle information;
  - (c) Contact information for all adult occupants;
  - (d) The start *and* end dates of the lease;

- (e) The owner, or their representative, shall certify that the tenant has been furnished with copies of the Community Documents; the tenant has agreed to be bound by the Community Documents; and the Owner accepts responsibility for the tenants' violations of the Community Documents.
- 9. If the Owner does not provide the information in item 8 above within fifteen (15) days of signing the lease, the Owner shall be fined \$15.00 after notice and opportunity for a hearing.
- 10. For each new tenancy, the Owner will be charged an administrative fee of \$25.00 payable with the Tenant Information Form. The Owner shall not be charged an administrative fee for the renewal of an existing lease.
- 11. If the owner has received notice of violation(s) of Community Documents and fails to correct the violations in accordance with Section 5, Violations and Remedies, the Association shall put the owner on notice that their approval to stay on the list of leased properties is in jeopardy. The owner shall be given notice by the Association of intent to remove them from the approved list and offer them a hearing before the association board and giving them within 15 days of mailing the notice to request a hearing. If the owner fails to correct the issues or does not request a hearing, they shall be removed from the approved list of leased properties. Once removed from the approved leased property list, the owner shall be notified they are no longer allowed to have tenants in the property. Once removed, the owner may only be allowed back on the approved list if violations are corrected, fines are paid and they make a new application for approval and capacity exists.
- 12. The Community Documents consist of the CC&Rs, the Bylaws, and Rules and Regulations. All documents and forms are available in print form upon written request to Crestview HOA, 1450 E Crestview Dr. Cottonwood, AZ 86326 or available on the Association's website, <http://hoacrestview.com>.

## Section 5 - Violations and Remedies

Pursuant to Arizona Revised Statutes §33-1803, the Association's Board of Directors is entitled to impose fines for violation(s) of the Declaration of Covenants, Conditions and Restrictions (CC&Rs) and any rules adopted by the Board of Directors. The procedure for imposing fines for such violation(s) is set forth below and supersedes any other such procedure previously adopted by the Board. This policy is presumptive for all violations. In its discretion, the Board may deviate from the policy depending on the facts and circumstances of an individual violation.

### A. Complaints

- 1. Initiated by board member or homeowner** – Complaints may be initiated by members of the Board of Directors and/or Homeowners. The Architectural Control Committee identifies landscaping violations and/or physical appearance of property violations and refers them to the Board for action.
- 2. Submitted in writing** – Complaints must be made in writing using Association Member Complaint Form that is available for download at

<http://hoacrestview.com> or by a signed letter that includes the address of the property allegedly in violation of the Association's Governing Documents, the nature of the violation(s), the first and last name of person who observed the violation, and the date(s) the violation(s) were observed. Either the letter or form should be mailed to Crestview HOA, 1450 E Crestview Dr. Cottonwood, AZ 86326.

**3. Are not anonymous** - Per Arizona law (A.R.S. § 33-1803) any complaint lodged with the Association related to a violation will NOT remain anonymous and will be sent to the party who is accused of the violation.

**4. Must provide documentation** - Board members or any HOA resident are required to document the violation via photos or other means.

**Photos (include address if possible)** - Include the location of the violation by address in the photo of the violation. If the violation and the address cannot be included in the same photo some documentation of the location of the violation must be provided.

**Video and Recordings** – Video and sound recordings may be used to document noise complaints

**Police Reports** – Homeowners are encouraged to call the Cottonwood Police to report violations of city ordinances (loud parties, barking dogs, parking on sidewalks, etc. While the city is limited in what it can do in some instances, reporting creates a police record that can be used to document complaints.

**5. “Sole Witness” Complaints** - There are many instances where a violation occurs intermittently or at such time(s) or under circumstances that are difficult to document. Many violations will be observed and consequently reported to the Board by individual members of the Crestview HOA as “sole witnesses”.

Examples of such violations, but not limited to, are:

- Garbage cans not being stored away timely.
- Parked cars blocking sidewalks.
- Issues of noise such as loud parties, wind chimes, dog barking.
- Issues of dog waste upon private property.
- Issues of flood light spillage.
- Feeding of wild animals.
- Trespassing

This policy articulates the Board's approach to the “he said, she said” or “he says I did it, but I didn't do it” dilemma or controversy that can evolve with regard to enforcement procedures when there is only one Member who is a “sole witness” to a violation that cannot be confirmed or corroborated by the Board or other Members. The intent of this policy is to ensure fair and equitable enforcement of the CC&Rs for all Members as individuals and to prevent abusive, malicious or retaliatory “sole witness” reporting of alleged violations between feuding Members.

- When a member of the Board receives a “sole witness” violation complaint that cannot be confirmed in person, he/she shall inform the Member complainant to submit the Association Member Complaint Declaration to the Associations mailing address. The Board will then

follow the procedures outlined in **Notice of Hearing** and **Hearing** described below.

- It shall not be the burden of any Member to personally contact or approach any other Member regarding the witnessing of a breach or violation of the CC&Rs or any other governing document of the Crestview HOA. A witnessing Member has every right to bring his/her grievance or complaint of a violation to the Board of Directors for enforcement. However, when he/she is the “sole witness,” he/she will be required to bring his complaint to the Board in person to be heard.
- The Member Complainant shall have the burden of proving the violation by a preponderance of the facts. The Member Complainant shall be required to prove to the Board that it is more probably true that the violation occurred. The proof of the violation must outweigh the proof offered by the alleged violator that the violation did not occur.
- Physical evidence such as police reports, engineering reports, photographs, videos or sound recordings may further serve to prove credibility of oral testimony. Although no Member shall be burdened with making personal contact with an alleged violator, a Member may initiate correspondence with an alleged violator as a matter of “self help” relief. Although not required, any documentation of such correspondence may be weighed as evidence supporting the credibility of testimony of a “sole witness” before the Board.
- The standards of evidence set forth herein is not limited to a “sole witness” and shall also apply to multiple Members who join to come before the Board to give testimony regarding a violation that cannot be confirmed or corroborated by the Board property manager.
- Upon the presentation of credible evidence by a “sole witness” or multiple Members, the Board may proceed with citing the violating party per the Crestview HOA Enforcement Procedures.
- The standards of proof set forth herein shall also apply to any Member who comes before the Board to defend himself/herself against a violation for which he/she has been cited.

#### **B. Board Options in Dealing With Complaints**

**1. Friendly letter** - The President or his/her designee may choose to send out a friendly letter informing the property owner of the violation:

**Documented by reference** to the proper section of the CC&Rs or the Rules and Regulations of the HOA

**Documentation by photos, video and/or police reports**

**The address of the violation, and lot number**

**Notification of availability of a hearing** - if desired by the homeowner

**2. Violation letter** - A violation letter authorized by two thirds (2/3rds) of the board may be sent as a follow-up to the friendly letter or as a first letter, depending upon the severity of the violation. It should confirm the violation and a hearing option and fines to be imposed if action is not taken to rectify the violation. Pursuant to ARS §33-1803, the Notice of Violation shall include a



written statement signed by the complaining Member, Chair of the Architectural Control Committee, or the President or his/her designee that contains:

**The Name** of the complaining Member

**The provision or provisions** in the Declaration or Rules that has allegedly been violated

**The date or dates** of the alleged violations;

**How to appeal the violation-** By Arizona law, the HOA is required to notify the owner that a hearing by the board will be conducted only if the owner desires.

**3. Notice of Hearing Requested by Homeowner** – The homeowner has 10 business days from receipt of the violation letter to request a hearing by certified mail sent to the HOA board at 1450 E. Crestview Dr., Cottonwood, AZ, 86326. If a hearing is requested by the owner, the Board will be notify the homeowner of a hearing date to be held no sooner than 10 days and no later than 60 days after receipt of the request.

**4. Notice of Hearing Requested by the Board** – In its discretion, the Board may decide to send the Owner a written “Notice of Hearing”. The notice should contain:

(a) The nature of the alleged violation(s);

(b) The time and place of the hearing, which shall be not less than 10 days from the date of the notice nor greater than 60 days

(c) An invitation to attend the hearing and produce any statement, evidence, and witnesses on his or her behalf; and

(d) The proposed sanction to be imposed, which includes the imposition of a fine and the payment of any attorney fees incurred by the Association.

**5. Notifying Tenant Option** - 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.

### **C. Hearing**

**1.** 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 protocol adopted by the Board.

**2.** Before any sanction becomes effective, the **Association** shall submit proof of the notice and the invitation to be heard.

**a.** 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.

**b.** The notice requirement is satisfied if the **Owner** appears at the meeting.

**3.** The minutes of the meeting shall contain a written statement of the results of the hearing and the sanctions, if any, to be recommended to the Board.

**4.** At the conclusion of the hearing, the Owner may be excused from the hearing and the Board of Directors shall deliberate on whether a fine is warranted.

### **D. Imposition of Fines**

**1. Fine Amount** - A fine or penalty of \$10 per violation per day shall be imposed for any violation of any Article or Section of the CC&Rs or the Rules.

**2. Beginning Date of Fine** - Such fines shall begin on the date the violation first occurs or after the hearing if either the homeowner or the Board has requested a hearing.

**3. Fine Without a Hearing** - The Board may impose a fine without a hearing in the event the Owner does not timely request a hearing.

**4. Notice of Fine Amount** - The Board of Directors shall send notice to the Owner of the amount of the fine and its due date.

**5. Continuation of Fine** - The Board of Directors is empowered to impose a fine for each day that the violation(s) continues.

**E. Summary of Homeowner Options after Receiving Friendly Letter and/or Notification of Violation**

**1. Comply with the request** – It is hoped that once the homeowner receives notification of a problem, the homeowner will take the necessary steps to remedy the situation.

**2. Request for a hearing** – The owner has 10 business days of receipt of the certified violation letter to request a hearing via a certified mail notification of the HOA board at 1450 E. Crestview Dr., Cottonwood, AZ, 86326. If a hearing is requested by the owner, the Board will be notify the homeowner of a hearing date to be held no sooner than 10 days and no later than 60 days after receipt of the request.