

TROON VILLAGE ASSOCIATION

RULES AND REGULATIONS

Updated September 19, 2016

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The following Rules and Regulations have been enacted by the Board of Directors to help maintain the high aesthetic appeal of the community and to help provide a comfortable environment for all of the residents. The enforcement of the Rules and Regulations is necessary to avoid infringing on the rights of others and to help maintain the property values within Troon Village.

PREVIOUS VERSIONS OF RULES AND REGULATIONS ARE RESCINDED.

THE HOMEOWNER IS DIRECTLY RESPONSIBLE FOR THE VIOLATIONS OF ANY OCCUPANT, TENANTS, OR GUESTS OF THE LOT. MAKE SURE YOUR OCCUPANTS, TENANTS, AND GUESTS UNDERSTAND THESE RULES COMPLETELY.

Please Note: Following these Rules and Regulations does not eliminate the need to review the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Troon Village (the "Declaration") and comply with all restrictions contained therein. In addition, the Board has adopted resolutions on certain aspects of Association governance that may apply.

1. **Climbing Troon Mountain**

Troon Mountain is a mountain with many natural dangerous conditions and wildlife. Therefore, no hiking or climbing of Troon Mountain is allowed.

2. **Desert Broom**

A. The City of Scottsdale considers the plant *Baccharis sarothroides*, commonly known as Desert Broom, an "invasive" plant due to its aggressiveness in overtaking areas and because it is a fire hazard, which is a threat to all nearby structures.

B. Desert Broom is considered to be a nuisance in violation of Section 4.18 of the Declaration.

C. Therefore, no Owner shall allow Desert Broom to grow on any part of his or her Lot or Parcel, whether or not the Lot or Parcel is developed.

D. All Desert Broom must be continually removed from Lots and Parcels (whether located within NAOS areas or landscaped areas of the Lot or Parcel) so as to prevent its spread within Troon Village.

E. All Desert Broom must also be continuously removed from any public areas adjacent to Lots or Parcels.

F. It shall be the Owner's responsibility to receive the proper approval from the City of Scottsdale before removing any invasive plants in any NAOS areas.

3. Feeding Wildlife

No activity shall be conducted within the Property and no object of any kind shall be placed on the Property for the purpose of, or that has the effect of, attracting wildlife, other than birds that do not create a nuisance or a health or safety hazard.

4. Guest Parking

Parking requirements in Troon Village are set forth in Section 4.13 of the Declaration. Section 4.13 of the Declaration states that an Owner may seek prior written approval from the Board to park vehicles on the streets within the Property during special events such as social gatherings, unless the Board has adopted rules regulating parking within the Property in accordance with the provisions of Section 5.04 of this Declaration, in which case the Owner shall comply with those rules and regulations;

A. Guests of Owners and occupants may park on the street during the time that such guests are visiting the Owners and/or occupants of a Lot, so long as such vehicles are not otherwise prohibited by the Declaration, such vehicles do not create a safety hazard or a nuisance, and such vehicles are not parked overnight. "Overnight" shall be any time between the hours of 12:00 a.m. and 6:30 a.m.

B. Overnight guests shall park in the Owner's garage. If, however, there is insufficient space in the Owner's garage for the guest to park, guests may park overnight on the driveway of the Owner of the Lot.

C. For the purposes of this rule, "guest" shall be defined as a person residing with the occupants of the Lot for no more than 30 consecutive days and no more than 60 days in any twelve (12) month period. Any persons residing with the occupants of the Lot for longer periods of time shall be considered residents of the Lot, rather than guests.

D. If an Owner wishes to allow guest parking in any way that would vary from the above rules, the Owner must obtain the prior written approval of the Board.

Important Notice

Except for guest parking, as noted herein: (a) no other vehicles shall be parked on the streets except for such periods of time as shall be reasonably necessary to load or unload, and (b) all vehicles are to be kept in enclosed garages on Lots.

Some sub-associations within Troon Village may have additional restrictions on parking. If a sub-association's requirements are more restrictive, their requirements will control for that subdivision.

5. Mistletoe

A. Mistletoe is considered to be a nuisance in violation of Section 4.18 of the Declaration.

B. All mistletoe must be removed from the Lots and Parcels, and must continually be removed from the Lots and Parcels as it comes back to prevent its spread within Troon Village.

6. Rentals and Timeshares

A. Dwelling units may be rented only to a single family, and must have a minimum rental period of six (6) months.

B. As time-share arrangements are not in compliance with the occupying of a dwelling unit by a single family, or with the residential character of TVA, no time-share arrangements may be constructed or sold.

C. No Owner or property management company may market any dwelling unit for vacation property for less than six (6) months. Furthermore, any marketing of a dwelling unit must be for only a single family.

D. Each Owner who is renting his or her dwelling unit must provide TVA with the name and contact information of each adult tenant, the time period of the lease, and a description and license plate numbers of the tenants' vehicles, and pay any applicable fees for such registration.

F. Sub-associations may have restrictions that are stricter than the above criteria based upon their own rules.

G. If an Owner violates any of the above requirements, TVA may impose a monetary penalty in accordance with TVA's monetary penalty policy and applicable law.

7. Restricting Sales of Goods on Lots or Parcels

A. Public Sales of Goods shall not be conducted on any Lot or Parcel. A "Public Sale of Goods" shall mean any sale of new or used goods that is open to an unrestricted number of unidentified customers, including, without limitation, garage sales, yard sales, moving sales, and public estate sales.

B. Private estate sales may be conducted within a dwelling on a Lot or Parcel, provided that: (i) the sale is restricted to a finite number of invited and identified attendees, (ii)

no sale property is visible from any Lot, Parcel, Common Area, or street, (iii) the garage doors shall remain closed during the sale; (iv) no signs are posted in connection with the sale on any property within the Association, (iv) no gate codes are disclosed to any of the invitees, (vi) a list of invitees is submitted to the Association, along with the proposed time, duration, and date of the sale, and (vii) the Association grants prior written approval of the sale.

8. Trash Collection Requirements

A. Putting Refuse & Recycling Containers Out for Collection For the purpose of compliance with Section 4.19 of the Declaration, “the shortest time reasonably necessary to effect such collection” shall be interpreted to mean that Owners may place their refuse and recycling containers out for collection no earlier than 3:00 p.m. on the day before scheduled pickup and remove them so that they are no longer visible from neighboring property no later than 9:00 a.m. on the day following pickup.

B. Bulk Trash

(a) Bulk trash is defined as yard waste, furniture, mattresses, and other household items generated from your home or within your Lot which are too large in size or too large in quantity to dispose of in your refuse container. Paint, paint thinners, strippers, pesticides, batteries, motor oils, chlorine, pool acid, tires, and other items prohibited by the City of Scottsdale or other applicable law from being disposed of through normal trash collection service are not bulk trash.

(b) In accordance with the City of Scottsdale requirements, all bulk trash should be placed on your Lot no more than 6 feet behind your property line. Piles of bulk trash must not exceed 10’ long by 6’ wide by 4’ tall. Bulk trash must not be placed in the street or on any sidewalk. All yard clippings (grass, leaves, palm tree skins and bark) must be placed in plastic bags that are securely tied.

(c) Except for Clippings (as defined in Paragraph D), all bulk trash may be placed out for collection no earlier than the Saturday preceding the week scheduled by the City of Scottsdale for bulk trash pickup. For example, if bulk trash is scheduled for the week of Monday the 18th, bulk trash may be placed out for collection no earlier than Saturday the 16th. Additionally, bulk trash must be placed out no later than 5:00 a.m. of the Monday of the week of bulk trash collection.

(d) Clippings (defined as vegetation, tree limbs, bush clippings, and other landscaping trimmings) may be placed out for collection no earlier than the Monday preceding the week scheduled by the City of Scottsdale for bulk trash pickup. For example, if bulk trash is scheduled for the week of Monday the 18th, Clippings may be placed out for collection no earlier than Monday the 11th. Additionally, Clippings must be placed out no later than 5:00 a.m. of the Monday of the week of bulk trash collection.

(e) Owners are responsible for removing any bulk trash not collected or debris left behind after bulk trash pickup within no more than 24 hours after said pickup.

Important Notice

Except for the bulk trash placement permitted under the terms and conditions of this rule, all other trash and trash containers shall adhere to the restrictions of Section 4.19 of the Declaration, as interpreted by the Board in these Rules.

Some sub-associations within Troon Village may have additional restrictions on trash collection. If a sub-association's requirements are more restrictive, their requirements will control for that subdivision.

For additional information on bulk trash collection and the weeks scheduled for bulk trash collection by location, please consult the Web site for the City of Scottsdale at:

<http://www.scottsdaleaz.gov/recycle/brushguidelines>.

9. Use of Play Equipment

All temporary or portable play equipment of any kind, including, but not limited to, portable basketball hoops, soccer goals, or similar equipment, shall only be used on the Lots during daylight hours. All temporary or portable play equipment shall be stored or put away immediately after use so that it is not visible from any streets, neighboring property, or the common areas when not in use. Any permanent play structures must receive the prior written approval of the Architectural Committee before installation.

10. Videotaping and Audiotaping Meetings

A. No videotaping or audiotaping of meetings will be allowed before July 20, 2011. After July 20, 2011, all videotaping or audiotaping of meetings shall be in accordance with the following rules.

B. Only those with a legal right to attend the meeting may record the meeting.

C. A person intending to tape a meeting must provide the Board with written notice that the meeting will be recorded.

(a) If the Board gives 7 or more days notice of the meeting, the person taping the meeting will give the Board at least 72 hours advance notice.

(b) If the Board gives less than 7 days notice of the meeting, the person taping the meeting will give the Board at least 24 hours advance notice.

D. Any person recording a meeting must not interfere with the meeting or the view of the meeting by any attendees. Any person recording must remain a reasonable distance from the Board or any other attendee.

E. The Board does not guarantee that any power source will be available.

F. No recording may be published, via internet, website or any other means, to people that did not have a right to attend the meeting, without prior written Board consent.

G. The Board may choose to audiotape or videotape any meeting as it deems appropriate.

11. Variations for Use Restrictions

Article 4, Section 4.33 of the Declaration provides that an Owner may ask the Board for a variance of the use restrictions in Article 4 of the Declaration, so long as the criteria in Section 4.33 are met. Section 4.33 sets forth the criteria for a variance:

- A. Either:
 - (i) enforcement of the restriction would create a substantial hardship or burden on an Owner or Occupant, or
 - (ii) a change of circumstances since the Declaration was recorded has made the restriction obsolete; and
- B. The activity permitted under the variance will not have any substantial adverse effect on the Owners and Occupants within Troon Village and is consistent with the high quality of life intended for residents of Troon Village.

Below is the process for a variance request:

- A. If an Owner believes that there is a reason as to why an Owner should be granted a variance from any provision of the Declaration, then, pursuant to Section 4.33 of the Declaration, the Owner may seek a variance from the TVA Board. The request for a variance must be submitted in writing to the TVA management and must include an explanation of how the variance meets the criteria under Section 4.33 of the Declaration. See TVA Board Request Form Variations or Appeals located on the TVA website, troonvillageassociation.com.
- B. Once the written request for a variance is received by TVA management, the variance request will be added to the next Board meeting agenda and the Owner will be notified of the meeting date and place. Owners (or their representative) need to be present at the Board meeting to present their variance request. Thus, if an Owner is unable to attend the next Board meeting, the variance request may be heard at a future meeting the Owner is able to attend.
- C. The Board will then make a decision as to the approval or denial of the variance and the Owner will be notified of the Board's decision. All Board decisions are final.

12. Violation Policy and Enforcement Procedures

Pursuant to Section 33-1803 of the Arizona Revised Statutes and Article 8 of the Amended and Restated Bylaws of Troon Village Association (“Bylaws”), the Board of Directors has the power to impose monetary penalties upon the owners of Lots for any violations of the governing documents of the Association regardless of whether the violation was committed by the owners, their guests, invitees, residents, tenants, occupants, or family members.

The amount of the monetary penalty to be imposed shall be determined in the sole and absolute discretion of the Board based on the nature of the offense, and the number of violations. The monetary penalties shall range from \$10.00 per day to a maximum of \$500.00 per day. The specific amounts of monetary penalties for parking and trash (and the specific process for pursuing bulk trash violations) are set forth below.

At any time, as determined in the sole and absolute discretion of the Board, the Association may choose to forego any courtesy or violation letters in favor of other enforcement tools available including, but not limited to, self-help, immediate action by its legal counsel, seeking injunctive relief, etc.

Upon the discovery of a violation, the Board may send a courtesy letter to the owner(s) informing them of the violation and requesting that it be remedied. If a satisfactory response is not obtained within 7 days, or if the Board elects to forego the courtesy letter, the Board may send a violation letter to the owner(s) (“Violation Notice”). This Violation Notice shall inform the owner(s) of the nature of the violation and what must be done to remedy the violation. This Violation Notice shall also give the owner(s) an opportunity to be heard by the Board and an opportunity to contest the violation within 10 business days prior to the assessing of any monetary penalties.

If the owner does request a hearing, then the Board will schedule a hearing date and inform the owner in writing.

If the owner contests the violation within 10 business days of the Violation Notice, the Board will provide a response to the owner within 10 business days of receiving a request for a hearing or a notice contesting the violation to include the following information:

- a. a date and time for the hearing;
- b. the provision(s) of the governing documents that has been violated;
- c. the date the violation(s) was observed, and
- d. the name of person(s) who observed the violation.

If the owner does not request a hearing within 10 business days of the Association’s Violation Notice or after any requested hearing, the Board may impose reasonable monetary penalties. These monetary penalties may apply retroactively to the date the violation was observed. For violations which continue, the Board may impose reasonable daily/monthly monetary penalties

for each subsequent day/week/month of the violation and such continuing penalties shall continue to accrue until the owner(s) notifies the Board that the violation has ceased and the Board has confirmed that, this, in fact, is the case.

If the violation ceases but reoccurs again within a 12 month period from the date of the first violation, it will be considered a recurring violation from the prior offense. The Association will send a second Violation Notice which will give the owner(s) notice of the new occurrence of the same violation and give the owner(s) 10 business days to request a hearing or otherwise respond to the Violation Notice before the fine is imposed. However, the fine may be imposed retroactively to the date that the violation occurred.

All letters referenced herein, unless otherwise stated, shall be sent by regular mail or by hand delivery at the last-known address of the owner(s).

In the event that the owner(s) fails to pay a penalty within fifteen days of the requested due date, the Association may deem the penalty delinquent and impose a charge for the late payment of the penalty. The late charge may not exceed the greater of fifteen dollars or ten percent of the amount of the unpaid penalty. In addition, if the owner(s) refuses to pay the penalty, the Board reserves the right to pursue collection of all outstanding amounts via all legal means available to the Association. In the event that the Association is awarded a judgment against the owner(s), the owner(s) will also be responsible for all costs and reasonable attorney's fees incurred by the Association.

The Board reserves all remedies, including the right to bring an action for injunctive relief.

A. Parking Violation Fines For the purpose of levying fines for violations of the parking restrictions in the Declaration and the Rules, the Board has determined that, after providing the Owner notice and an opportunity to be heard as required by Arizona law, it shall levy a fine of \$25.00 per month for each vehicle being parked in violation. Such fines may be levied retroactive to the date of the first observed violation, as determined in the discretion of the Board.

B. Bulk Trash Fines and Procedures

(a) For the purpose of levying fines for violations of the bulk trash-related restrictions in the Rules, the Board has determined that, after providing the owner notice and an opportunity to be heard as required by Arizona law, it shall levy a fine of \$150.00 for bulk trash violations. In addition, the Board may determine in its sole discretion to levy additional daily or weekly fines in cases where there have been repeated bulk trash violations or where bulk trash has been left on a lot or the abutting common area for an extended period of time. Such fines may be levied retroactive to the date of the first observed violation, as determined in the discretion of the Board.

(b) For the purpose of undertaking enforcement action for violations of the bulk trash-related restrictions in the Rules, the Board has determined not to send a courtesy

letter, but instead to begin the enforcement process by sending a Violation Notice, as described in the “Violation Policy and Enforcement Procedures,” demanding that the violation be corrected and notifying the owner of the Association’s intent to fine them for the violation, in the amounts detailed above, after giving the owner an opportunity to attend a hearing before the Board.

(c) Except as otherwise provided in this policy, the Board intends to enforce violations of the parking and bulk trash restrictions of the governing documents in conformance with the terms of the “Violation Policy and Enforcement Procedures.” The Board reserves the right, in its discretion, to vary from this policy in favor of other enforcement tools available, including, but not limited to, self-help, immediate action by its legal counsel, seeking injunctive relief, etc.