

COLONY MONTEREY ASSOCIATION

Aka VILLA MONTEREY UNIT 6 & 6-1
5035 North 77th Place, Scottsdale, Arizona 85250
An Historic District Neighborhood for 55 Years & Older Residents

Resolution: Rules & Regulations

Whereas: The elected Board of Directors (BOD) of the Colony Monterey Association (Association) is empowered to implement such Rules and Regulations appropriate to ensure compliance with our Declaration of Restrictions (**Restated, issued 11/05/2022**) (Restrictions) and as necessary to provide for the general safety, habitability, appearance of our community and legal functioning of our Common Area Facilities.

Whereas: Since the inception of the Association in 1967 the BOD established and enforced such rules for the benefit of the community and periodically updated then for clarification and changing conditions, including the more recent inclusion into the Villa Monterey Historical District. Due to continual changeover in property ownership and the gradual loss of historic continuity, it is believed appropriate at this time to restate for the entire community the Major Rules and Regulations, both direct and derived, from the controlling Declaration of Restrictions and By-Laws. This listing does not cover all areas of HOA concern.

I GENERAL RULES

- A. At least one resident must be 55 years or older as further defined in **Section 8.1** of the Declaration of Restrictions. The Application for Transfer of Ownership within Villa Monterey Unit 6 must be approved by a minimum of two 2 Directors, normally the President and Secretary.
- B. No one under the age of 18 shall reside in Villa Monterey 6 for more than 30 days within a one-year period as further defined in **Section 8.2** of the Declaration of Restrictions.
- C. Villa Monterey 6 Association has property use restrictions as defined in Section 2 of the CC&Rs
 - The property is restricted to single family dwellings for residential use
 - Properties may not be leased/rented
 - No lot can be used in any way for any purpose which may endanger the health or unreasonably disturb the owner or resident of any Lot
 - The board will follow up on any written complaint from a homeowner regarding a nuisance or concern for the improper use of a property
- D. All requests for removals and or additions, renovations, and changes to the exterior of the property visible to others, must be submitted to the Architectural Compliance Committee (ACC)/Board for approval as outlined in Section 2.12 of the Declaration of Restrictions.
 - In some cases, these changes may also require additional approval from the City of Scottsdale Historic Preservation Commission. These include, but are not limited to, exterior house and trim colors, balcony, awnings, front yard landscaping, carport, driveway changes, shutters, front door, security door, etc. Contact ACC for details.
 - Exterior changes to the back of the house, including the common wall and permanent backyard structures that are visible to neighbors, must have neighbors' input in writing before submitting to ACC and the HOA Board for approval. Please contact ACC for details.
 - It is suggested (but not required) that you discuss with your neighbors before planting any trees or vegetation that are expected to grow over 30 feet at maturity or would grow over the wall and into a neighbor's yard. Homeowners may remove trees and other vegetation in their own backyard at their own discretion and are responsible for any damage caused to common walls by said removal.

- E. It is intended that all vehicles be parked within your carport, except that to the extent that there is no more room for parking said vehicles may be parked on driveways for a period not to exceed 72 hours at a time (this is to prevent storage of unused vehicles on driveways). No vehicle in excess of 22 feet shall be parked either on the street or your property.
- No commercial trucks or vehicles—including Pedi-cabs, campers, camper trailers, boats, boat trailers, inoperable vehicles and/or house trailers—may be placed, parked or left parked on Villa Monterey 6 streets overnight.
 - Owners of recreational vehicles (RVs) may place these vehicles on the street or driveway for a period not to exceed three (3) days for the purpose of loading and unloading only.
- F. Not more than one “For Sale” sign may be placed on any lot, and no larger than two (2) feet in any dimension.
- G. Feeding of pigeons/birds (except hummingbirds) is not permitted. This is also city code.
- H. All members complaints, except in the case of an emergency, must be in writing, signed and submitted to the President of the Board of Directors, or in the absence of the President, to any Board member. Verbal or unsigned written complaints will not be considered except in the case of emergencies. All urgent problems affecting the safety, habitability or function of Common Area facilities or property should be communicated immediately to any Board member.
- I. Renovation construction noise. According to Scottsdale City Noise Ordinance 31-12 section 177:
- Summer: Permissible construction hours are from April 1 to October 31 are M-F 6am – 7pm and Saturday 7am-7pm.
 - Winter: Permissible hours from November 1 to March 31 are M-F 7am – 5pm and 8am – 5pm on Saturday.
 - No Sunday work is allowed unless the applicant demonstrates, in writing to the building official, justifiable cause for the work.
 - Homeowners doing general maintenance may work Saturday hours on Sunday.
- J. Pets
- No more than two dogs shall reside in any residence.
 - No dog weighing in excess of 50 pounds shall reside in any residence except for service dogs.
 - No more than two cats shall reside in any residence.
 - No more than three animals shall reside in any residence.
 - All pets must be restrained and under the control of the owner at all times.
 - Barking dogs are a nuisance and the owner/resident must take immediate steps to stop the nuisance.
 - Homeowners experiencing these problems will be encouraged to talk with the dog owner first; then involve the Board if necessary.
 - The City of Scottsdale has very specific rules and laws regarding this issue.
- K. Any resident desiring to run for a seat on the HOA BOD must be a permanent resident, current with all fees and dues and must be in residence a minimum of 6 months in a calendar year. The existing BOD has the right to make a special exception before the annual election if requested by the resident.
- L. The BOD can at its option make exceptions to these rules for a special situation upon request.

II. PROPERTY APPEARANCE AND MAINTENANCE

- A. Lawns, shrubs and trees are to be kept trimmed by the owner of the property. The portion of the landscaping that is visible to the neighbors and from the street should be kept weed-free and well groomed.
- Homeowners must remove desert daisies from their yards because they go to seed.
 - Tall palms trees must be trimmed annually by July 15th to prevent seed pods from clogging roof drains. The Association has the authority to levy a fine for \$25 per tree after July 15th for each week that a tree is left untrimmed.
 - Ripened citrus must be removed from trees on or before May 15th to prevent “roof rats” in the neighborhood. The Association has the authority to levy a fine for \$25 per tree after May 15th for each week that a tree is left with unpicked fruit.
- B. Garage/carport sales are not allowed. One “estate sale” per year, confined to in house and backyard, is allowed.
- C. Front yard patio is allowed if complying with Association Resolution dated 3/8/2011 (requires a 3-foot-high wall). Copy available upon request.
- D. Carports must be kept free of boxes/trash. If you must keep trash containers or bicycles on carport, keep them behind an ACC approved suitable screen. Screens must be approved prior to installing, please check with the ACC/Board.
- Trash cans and recycle bins should also not be visible from the street if stored in a “side yard”.
 - Trash bags or recycling bins may be placed in front of the home no sooner than 5:00 PM the night before collection is scheduled. All containers should be removed from the street as soon as possible after pickup.
 - City of Scottsdale Brush & Bulk collection is generally scheduled one week of each month. See <https://www.scottsdaleaz.gov/solid-waste> for the schedule. Items may be placed in the front yard 7 days prior to the Monday of the pick-up week.
- E. Lamppost Policy. Villa Monterey 6 does not have city streetlights on all streets. The original builders of the community placed lamp posts on each property as a replacement for streetlights. For neighborhood safety and continuity, the Board of Directors is clarifying the Association’s lamp post policy to include the following:
- **Homeowners are responsible** for the repairs, maintenance, electrical & painting of their front lamp posts.
 - Lamp posts must be kept in working order and shall be painted white.
 - **The HOA will replace bulbs and sensors** that plug in on your home at HOA expense. A standard white bulb of 800 lumens must be used for safety and to maintain continuity. The Board reserves the right to replace non-compliant bulbs and return to homeowner.
 - Colored bulbs are allowed only during holidays and shall only be left in lamp posts for the same duration that is allowed for all holiday décor (see rule J). Strings of lights are only allowed on lamp posts during the approved dates for holiday décor mentioned in these rules & regulations.
 - If the glass globe gets broken the HOA will replace at the homeowner’s expense on an “at cost” basis, currently about \$80.00 each.
- F. Flag Poles: Require ACC/BOD approval. Requirements available upon request.
- G. Paint Colors: If you wish to change your exterior paint color or trim, the ACC/HOA has a pre-approved pallet of exterior house paint color combinations, or you can request HOA approval for other color choices. Samples of pre-approved house and trim colors are available from the ACC via a color pallet notebook you can borrow or under the ACC Committee tab on the community website (www.villamonterey6.com). The homeowner must request ACC/Board approval (even if it’s for pre-approved colors) and could also be subject to approval by the Historic Preservation Council.

- H. Front yard, carport and balcony items: **Section 2.5** of the Declaration of restrictions prohibits “unsightly objects or nuisance” shall be erected or placed on one’s property.
- It is suggested that the homeowner seeks ACC/Board approval before placing decorative objects or furniture in front yard or carport. However, if the homeowner did not seek approval, but the majority of the Board finds the object to be unsightly or a nuisance, the Board may ask the homeowners to remove the object(s) and return the property to its original condition.
- I. Failure to comply with landscape maintenance: Should a homeowner fail to properly maintain the lot and improvements, the BOD has the authority to engage independent contractors and has the right to enter such property to repair, maintain, rehabilitate, and restore the premises and charge costs against the owner and pursue thru the lien process. **Ref Section 4.12** of Declaration of Restrictions.
- J. Holiday décor (that is visible from the street) of all types for “Winter Holidays” may be put up no earlier than Thanksgiving Day and must be removed by January 15th.
- Holiday décor for all other holidays (including Halloween, Easter, etc.) can be put up one month prior and must be removed no later than one week after the holiday.

III POOL RULES

"The safe and efficient" operation of the recreation area is the responsibility of all homeowners.

Following are the Pool Rules which are also posted in the pool area.

- Each resident must clean up after themselves and their guests in all common areas including such things as closing umbrellas, returning furniture to it’s original spot and replacing the pool cover, if applicable. Please respect your neighbors.
- No Lifeguard on Duty. Swim at your own risk.
- Please shower and remove lotion before entering the Pool or Spa.
 - Note: Pool bathroom showers are not to be used for personal grooming. They are to be used only for rinsing before and after using the pool or spa.
- The Spa is for adult use only. No one under 16 years of age is permitted.
- Children:
 - "A. Under the age of 3 are NOT permitted at any time.
 - B. Under the age of 16 Must be accompanied by an adult.
 - C. All guests are subject to the same rules.
- Pets are NOT permitted in the fenced Pool/Ramada area at any time.
- GLASS is not permitted within 25 yards of the Cool Deck area of the pool at any time.
 - Any GLASS containers brought into the Ramada area must remain in the Ramada and be removed when the function is over.
- The Pool Recreation area is for the sole use of the homeowners of Villa Monterey 6 and their guests only.
- Keys are not to be given to anyone other than a temporary house guest.
- Homeowners are responsible for any damage done by themselves or their guests.
- Reckless behavior, abusive language, unsafe activity, such as running, or any unfriendly activity will not be tolerated.
- Everyone is encouraged to report any activity or action that they deem unsafe or that compromises the enjoyment of the homeowners and their guests.

IV PENALTIES The BOD can levy fees as penalties for serious non-compliance, as outlined in Arizona ARS 33-1803 (B) and Association Resolution dated 3/31/2016, subject "Monetary Penalties" – Due Process, copy available upon request.

Approved: Board of Directors Villa Monterey 6 Association

By: President: Suzie Cary

Signature: _____

Date: _____

By: Secretary: Sheilah Edmundson

Signature: _____

Date: _____

Revised: 11/05/2022 to reflect Declaration issued 1/31/18