

ELK RUN TOWNHOUSE OWNER'S ASSOCIATION

*GUIDELINES FOR
RESIDENTS*

Adopted and Distributed by the Board of Directors for Easy
Reference to Frequently Violated Association Regulations

Elk Run Board of Directors, 2008-2009

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Published, July, 2009

Elk Run Townhouse Owner's Association

Guidelines for Residents

July, 2009

To Residents and Guests of Elk Run:

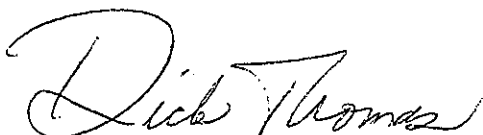
The Owners' passage of the amended and restated *Bylaws* and *Declaration (CC&Rs)* last fall has created a need to rewrite the summary document *Guidelines for Residents*, first published in 2003. This condensed version of the Association's regulations is designed to cover the more important things to know about living in Elk Run—and to avoid violations of those regulations.

The Association's rules and regulations exist for the purpose of making life comfortable and enjoyable for all of us who live in close quarters. Further, many regulations are designed to uphold the value of our townhouses by maintaining Elk Run's appearance—certainly important in these days of declining real estate values most everywhere.

This new edition of *Guidelines for Residents* is more comprehensive than the earlier versions and thus includes an Index with a one-line description of key regulations and definitions. The Index lines are very brief, thus the Board urges you to read the full text on a subject of interest to you.

As with any summary, you may not find some regulation or the meaning of the text may not be clear. In such case, please do not hesitate to call or email Association Manager David Evans. His phone number and email address are provided at the bottom of the Index page in the *Guidelines*. Or, you are always welcome to discuss your subject with the Board at its meetings—Mr. Evans can provide you the meeting locations, dates and times.

Sincerely,



Dick Thomas, President, for

The Elk Run Board of Directors

RCT 062409

Elk Run Townhouse Owner's Association

Guidelines for Residents

The index below provides residents and guests a quick reference to Elk Run's governing rules and regulations. Residents are urged to read the complete text on these subjects on the pages noted.

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Please direct questions to Association Manager David Evans, 928-526-7971, david@evanshoa.com

Aug 2010
Guidelines for Residents
(Final)

Elk Run Townhouse Owner's Association

Guidelines for Residents

This document is a successor to the original document of the same name, first published by the Board of Directors and distributed to residents beginning in 2003. It combines selected provisions of the 2008 *CC&Rs, Article VII, Use Restrictions* adopted by the Owners as well as *Rules & Regulations* adopted by the Board of Directors. A reference as to which of the texts following are *CC&Rs' Use Restrictions* and which are Board-adopted *Rules & Regulations* is included at the end of each text. Also, four *CC&Rs* texts are judged to be too long for this document, thus the reader is referred to the actual *CC&Rs* Article for the subject in the index.

Animals. No animals, fish or fowl of any kind shall be raised, bred or kept on any of said Lots provided, however, that a reasonable number of ordinary domestic pets (not wild or exotic pets) will be permitted so long as (a) such pets are kept within the boundaries of the Lot of their Owner or, if on the Common Area, on a leash in the control of a human being, (b) such pets do not make an unreasonable amount of noise, or become a nuisance to other Lot Owners, (c) such pets are not kept, bred or maintained for any commercial purpose, and (d) no kennels, pens or similar structures or enclosures are constructed or maintained upon any of said Lots except with specific prior written permission and approval of the Board. Owners must immediately clean up after their pets. Upon the written request of any Owner, the Board shall conclusively determine, in its sole and absolute discretion, whether, for the purposes of this paragraph, a particular animal is an ordinary domestic pet, or a nuisance, or whether the number of pets on any such Lot is reasonable.

(CC&Rs, Use Restriction, Article VII, Section 3)

Antennas & Satellite Dishes.

(a) Unless governed by 47 C.F.R. § 1.400 (Over-the-Air Reception Devices Rule), as amended, repealed, or recodified, no antenna or other device for the transmission or reception of television, internet or radio signals or any other form of electromagnetic radiation or any associated equipment shall be erected, used or maintained outdoors on any Lot or Common Area, whether attached to a building or structure or otherwise, so as to be visible from the Common Area or the street, unless approved in writing by the Board.

(b) Any device governed by 47 C.F.R. § 1.400 (Over-the-Air Reception Devices Rule), as amended, repealed, or recodified, shall comply with any applicable antenna installation rules of the Association and shall be mounted, to the extent reasonably possible, so as to not be visible from the Common Area or the street.

(c) While the Owner has the right to place on the roofs of the Townhouse on the Owner's Lot any device governed by 47 C.F.R. § 1.400 (Over-the-Air Reception Devices Rule), as amended, repealed, or recodified, the Owner is advised that the Association has the obligation, under Article VI, Section 1 of this Declaration, for the maintenance, repair, and replacement of the roofs, as needed. If the Association determines that it is necessary or desirable to cause the roof to be maintained, repaired, or replaced, and if it is necessary for the

devices described herein to be temporarily removed to complete the work on the roofs, the Association will give the Owner at least seven (7) days written notice of the day by which the device must be removed, and the Owner shall be responsible for removing the device and then re-installing the device after the work is completed. If an Owner fails to remove the device after being given at least seven (7) days written notice by the Association, the Association is hereby authorized to remove the device and deliver it to the Owner; the Owner may re-install the device after the work is completed. Any cost to the Association for removing the device shall be paid by the Owner to the Association; any charges not paid within thirty (30) days after demand from the Association, shall be a debt, and shall be collectible in the same manner as delinquent assessments and by any lawful procedure allowed by the laws of the State of Arizona. (CC&Rs, Article VII, Use Restrictions, Section 15. Note that subsection letters change at this point due to change in source of regulations)

- (a) Antennas and satellite dishes and their cables may be installed only with the on-site supervision and approval of the Association Manager or such other person as the Association Manager or the Board of Directors may designate. If installed without such supervision, Owners may be required to relocate satellite dishes and their cables at Owner's or installer's expense.
- (b) Antennas and satellite dishes shall not be installed on the front side or on the front-sloping shingled roof of the Townhouses, on top of any roofing shingles, on Garages or on the Common Area.
- (c) Cables extending from antennas and satellite dishes to a point of entrance into a Townhouse shall avoid the use of the Townhouse fronts for cable installation unless no other choice is reasonably available as determined by the Association Manager. Cables shall be installed vertically or horizontally and shall be tightly attached to avoid sagging. Cables shall not cross roofing shingles, shall not be stapled through roof shingles, shall be anchored in straight lines and shall follow architectural features such as chimneys, firewalls, trim boards, siding grooves or joints, gutters, downspouts, etc. where available.
- (d) Cables shall be painted the color of the siding, trim boards, gutters or downspouts along or across which they are installed. Paint will be provided by the Association.
- (e) Tenants shall not have satellite dishes installed without the written prior approval of the Owner submitted to the Association Manager before installation. Discontinued or disconnected satellite dishes shall be removed at the time satellite service is terminated.
- (f) The provisions of this regulation shall apply to previously installed antennas, satellite dishes and exterior cable installations.
- (g) Installation of antennas, satellite dishes or cables that pierces the Townhouses' asphalt shingles or other exterior surfaces shall void the Association's responsibility for water leaks determined by the Association to have been caused by said installations or removals.
(*Rules & Regulations* adopted by the Board of Directors)

Bicycles, Skates, Scooters, and Skateboards. Bicycles, skates and non-motorized scooters are allowed only on the private streets within the Properties, except that children may operate same on the sidewalks, driveways, or concrete aprons. Skateboards and unlicensed motorized scooters and motor bikes are not allowed anywhere on the Common Area. (CC&Rs, Article VII, Use Restrictions, Section 17.)

Business and Related Use. No business, professional, commercial, activities of any kind whatsoever shall be conducted on any portion of any Lot or the Properties, except that an Owner or other resident of a Lot may conduct a business activity upon the Lot so long as: (a) the existence or operation of the business activity is not apparent or detectable by sight, sound or smell from outside of the Lot; (b) the business activity conforms to all applicable zoning ordinances or requirements for the Lot; (c) the business activity does not involve an unreasonable number of persons coming onto the Lot or any door-to-door solicitation of Owners or other residents in the Properties; and (d) the business activity is consistent with the residential character of the Properties and does not constitute a nuisance or a hazardous or offensive use or threaten security or safety of other residents in the Properties, as may be determined from time to time in the sole discretion of the Board. Furthermore, no advertising or directional signs may be placed upon the Lot or any portion of the Common Areas regarding the business activity. The terms "business" and "trade" as used in this section shall be construed to have ordinary, generally accepted meanings, and shall include, without limitation, any occupation, work or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider's family and for which the provider receives a fee, compensation or other form of consideration, regardless of whether: (a) such activity is engaged in full or part time; (b) such activity is intended or does generate a profit; or (c) a license is required for such activity. (CC&Rs, Article VII, Use Restrictions, Section 2.)

Garage sales shall be restricted to no more than two per year per Owner. Association-wide garage sales may be held at such times as may be approved and advertised by the Board of Directors. No commercial sales may be conducted. (Rules & Regulations adopted by the Board of Directors.)

Central Air Conditioning. Central air conditioning may be installed in Townhouses only with the prior written approval of the Board of Directors. The factors considered by the Board may include, but are not limited to, the proposed location of the condenser, the proposed screening of the condenser, and the noise level of the air conditioning unit. (CC&Rs, Article VII, Use Restrictions, Section 18.)

Window air conditioners and fans may be installed depending upon their noise level, their method of installation and their appearance. Noise level is not pre-set, but the Board of Directors will hear complaints from neighbors and will determine whether or not the noise is acceptable. The units must be installed within the window frame and shall not use any form of exterior support. A unit (air conditioner or fan) that has built-in extensions to fill the gaps remaining where a window is open to accommodate it are recommended. Gaps in a window remaining after a unit is installed must be filled with hard materials (no curtains or other cloths, shades,

blinds, paper, cardboard, etc.) painted to match the exterior house paint (other than glass or other transparent or translucent fillers). Consultation with the Association Manager is recommended before purchase.

(Rules & Regulations adopted by the Board of Directors.)

Common Area. No planting or gardening shall be done on the Common Areas except in areas designated by the Association or as otherwise approved in writing by the Board of Directors of the Association. No Owner shall build, erect, or maintain buildings or appurtenances thereto on any Common Areas or portion thereof. No Owner may store any objects on the Common Areas except as otherwise provided herein.

(CC&Rs, Article VII, Use Restrictions, Section 14.)

The Association will remove accumulated snow deeper than three (3) inches from all streets, driveways and common sidewalks. Common sidewalks are defined as those serving more than one Townhouse. Owners are responsible for removing snow from sidewalks, paths, patios, porches and decks that serve only their own Townhouses. Exceptions to this rule may be made for unusual circumstances upon written application to the Board of Directors.

(Rules & Regulations adopted by the Board of Directors.)

Fires & Fire Prevention. No open fires or burning (including fireworks) shall be permitted on any part of the Properties and no incinerators or like shall be placed, allowed or maintained upon any Lot. Incineration of any materials shall not be permitted. Charcoal grills, hibachis, chimineas and similar cooking or heating devices are prohibited on wood decks but may be used on non-flammable surfaces elsewhere unless such use is prevented or restricted by fire protection rules or regulations. Natural gas, propane gas and electric grills or barbecues are not prohibited on wood decks but must be used with careful regard for the proximity of flammable surfaces, and must be used in accordance with fire protection rules or regulations. All fireplaces and flues must be used and maintained in a safe condition by the Owner. Due to the large number of trees in the area of this subdivision and the possibility of forest fires from time to time:

- (a) No Lot Owner shall maintain any flammable materials or otherwise use his or her Lot in a manner which would create a fire danger to any of said lots;
- (b) The Association and each Lot Owner shall be bound by all fire protection rules and regulations issued by the Association, the CCC and the City of Flagstaff.
- (c) Firewood may only be stored in a Lot Owner's assigned Garage, away from wood surfaces, except as allowed by the Rules and Regulations or by written approval of the Board of Directors.

(CC&Rs, Article VII, Use Restrictions, Section 6.)

Flags and Flagpoles. An Owner may install one (1) flagpole on the Lot with the prior written approval of the Association in accordance with Article IX herein. The following flags may be flown on the Lot in accordance with the Federal Flag Code (P.L. 94-344): the United States flag,

the Arizona state flag, the flag of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, the POW/MIA flag, or an Arizona Indian Nations flag. Other flags may be flown only with the prior written approval of the Board of Directors.
(CC&Rs, Article VII, Use Restrictions, Section 19.)

Garages. Garages shall primarily be used for the storage of vehicles. Garages shall not be converted to or used as game rooms, media rooms, other recreational areas, or living quarters. Garage doors shall remain closed except while an Owner is working in the Garage or taking vehicles, equipment, tools, or other similar items in or out of the Garage.
(CC&Rs, Article VII, Use Restrictions, Section 13.) (See also "Garage Sales, page 4)

Leasing. An entire Lot may be rented to a Single Family for a minimum of thirty (30) days. No sub-leases shall be allowed. If the Board of Directors creates and/or adopts a "rental registration form", the Owner shall submit such form to the Association for every rental. Any agreement for the lease of a Lot must be in writing and must be expressly subject to this Declaration, the Articles, the Bylaws, the Rules and Regulations, and any other documents governing the Association. The lease must contain a provision that any violation of the Declaration, the Articles of Incorporation, the Bylaws, Rules and Regulations, or any other documents governing the Association shall be a default under the lease and is grounds for eviction. Any continuing violation or repeated violations (violation occurring three or more times), of the Declaration shall be a default under the lease. The Owner shall remain liable for compliance with the Declaration, Articles, Bylaws, Rules and Regulations, and any other documents governing the Association, and shall be responsible for any violations thereof by his tenant or his tenant's agents, licensees, invitees, guests, family, or pets. All notices shall be sent to the Owner. Each Owner shall provide a copy of the Declaration, Articles, By-Laws, Rules and Regulations, and any other documents governing the Association to each tenant of his Lot. By becoming a tenant, each tenant agrees to be bound by the Declaration, Articles, Bylaws, and any other documents governing the Association and recognizes that any continuing violation or repeated violations of the Declaration is grounds for eviction from the Lot. If a tenant commits violations that are grounds for eviction, the Association may provide notice to the Owner of the tenant's violations, and require that the Owner evict the tenant for the violations. If the Owner fails to make a good faith effort to evict the tenant, the Association may impose reasonable monetary penalties against the Owner as determined by the Board, and may exercise any other remedies available under the Declaration and Arizona law.
(CC&Rs, Article VII, Use Restrictions, Section 12.)

Nuisances. No noxious or offensive activity may be carried on or permitted on any part of the Properties, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood, including without limitation annoying or offensive sound or odor. No hazardous activities shall be conducted upon any part of the Properties, nor shall any improvements or conditions which are unsafe or hazardous to any person or property be permitted.
(CC&Rs, Article VII, Use Restrictions, Section 11.)

Parking. Parking on private streets within the Properties is permitted only for short periods for loading and unloading. Vehicles required by law to be permitted to park on streets and

driveways shall not be subject to this restriction. All parking, loading and unloading is prohibited in designated fire lanes. Vehicles parked on designated driveways, parking spaces, or concrete aprons shall not overhang into the private streets or impede free access to Garages. Vehicles shall not be parked on any Common Area that is unpaved. Owners are responsible for the cleaning of any leaks or spills on the streets, driveways, parking areas, aprons or sidewalks, whether caused by the Owner or the Owner's agents, licensees, invitees, tenants, guests, or family.

(CC&Rs, Article VII, Use Restrictions, Section 10)

Refuse. All rubbish, trash or garbage shall be kept in closed trash or recycling containers and not allowed to accumulate on any of said Lots, and all of said containers shall be kept only in the trash collection areas designated by the Board of the Association. Furniture, appliances or other large items may not be disposed of in any container. If containers are full, residents must seek other containers that are not full or haul the trash or recyclables, as well as furniture and appliances, to an approved dump. Fireplace ashes must be disposed of only in the steel containers provided.

(CC&Rs, Article VII, Use Restrictions, Section 8.)

Signs. No advertising signs, billboards, or objects determined to be unsightly by the Board of Directors shall be erected, placed or permitted to stand upon any of said Lots, except (a) signs the nature, number and location of which have been approved in advance and in writing by the Board of Directors, (b) one "For Rent" sign upon the front of a Townhouse or assigned Garage and one such sign at or on the rear of a Townhouse, each of which shall not be over four (4) square feet nor higher than four (4) feet, (c) "For Sale" signs no larger than eighteen by twenty-four inches (18" x 24") and sign riders no larger than six by twenty-four inches (6" x 24"), (d) political signs as permitted by the City of Flagstaff and Coconino County may be placed on the Lot up to forty-five (45) days before an election and up to seven (7) days after an election, (e) signs which, by law, may not be prohibited, and (f) signs required by legal proceedings.

(CC&Rs, Article VII, Use Restrictions, Section 4.)

Single Family Residential Use. Each of said Lots is hereby restricted to use as a single family dwelling for residential use by a single family only. "Single Family" shall be defined as a group of one or more persons each related to the other by blood, marriage or legal adoption who maintain a common household, or a group of not more than two (2) unrelated adults with their dependents who maintain a common household.

(CC&Rs, Article VII, Use Restrictions, Section 1.)

Speakers and Amplifiers. No outside speakers, amplifiers or other sound producing equipment shall be permitted to be installed or maintained on any Lot. No radio antenna shall be permitted to be installed or maintained on the exterior of any building or structure on the Properties.

(CC&Rs, Article VII, Use Restrictions, Section 5.)

Storage. No tanks of any kind, elevated above the surface of the ground or visible in any manner, shall be erected, placed, or permitted on any of said Lots. No exterior clothes line equipment of any kind shall be permitted on any part of the Properties. No unsightly objects shall

be permitted on or under any of the decks on any Lot. Garments, rugs, clothing, towels, and similar items may not be hung from windows, balconies, or from any of the facades of the Townhouses.

(CC&Rs, Article VII, Use Restrictions, Section 6.)

Vehicles. No mobile home, tent, trailer, boat, bus or similar facility or vehicle, no vehicle exceeding twenty-four feet (24') in length, and no vehicle of any type which is rusted, dented, abandoned or inoperable shall at any time be placed upon, stored, or lived in on any of said Lots or the Common Area without the prior written approval of the Board of Directors. Vehicles required by law to be permitted to park on streets and driveways shall not be subject to this restriction. For purposes of this Section, an inoperable vehicle is one that is not running, has one or more flat tire(s) for ten (10) or more days, is up on blocks, is not properly licensed, or is not currently registered. No vehicle, equipment, furniture, or other objects may be repaired, modified or otherwise worked on at any time upon any of said Lots or on any street adjacent to any of said Lots, provided however, that the Board may permit minor repairs to vehicles if such repairs can be completed in one day.

(CC&Rs, Article VII, Use Restrictions, Section 9.)

Window Coverings. Window coverings and decorations, including curtains, drapes, blinds and shutters, shall be maintained in good condition. Reflective materials (including, but without limitation, aluminum foil, reflective screens, glass, or mirrors), paper, cardboard, signs, and stored materials shall not be installed or placed upon the outside or inside of any windows of a Townhouse or Garage without the prior written approval of the Board of Directors. Awnings, shades, screens, window air conditioners, screen doors, security doors, replacement windows and doors, deck railing screens, wires, conduits, cables, pipes or other items visible from the exterior of a Townhouse shall not be constructed or installed without the prior written consent of the Board of Directors, as further provided in Article IX hereof.

(CC&Rs, Article VII, Use Restrictions, Section 16.)

Wood Decks. Carpeting, tile or other floor coverings are prohibited on wood decks and concrete stoops. Wood deck screens shall be black or dark brown plastic mesh only as approved by the Board of Directors.

(Rules & Regulations adopted by the Board of Directors)

Guidelines for Residents was adopted by the Elk Run Board of Directors at its meeting of June 20, 2009.

RCT062409

July 2009

Elk Run Townhouse Owner's Association

Rules and Regulations

Pursuant to CC&Rs' Article II, Section 4, the following *Rules and Regulations* have been adopted by the Board of Directors to clarify or augment provisions of the *Bylaws* and *CC&Rs*.

Antennas and Satellite Dish Installation

- (a) Antennas and satellite dishes and their cables may be installed only with the on-site supervision of the Association Manager or such other person as he or she or the Board of Directors may designate. If installed without such supervision, Owners may be required to relocate satellite dishes and their cables at Owner's or installer's expense.
- (b) Antennas and satellite dishes shall not be installed on the front side or on the front-sloping shingled roof of the Townhouses, on top of any roofing shingles, on garages or on the Common Area.
- (c) Cables extending from antennas and satellite dishes to a point of entrance into a Townhouse shall avoid the use of the Townhouse fronts for cable installation unless no other choice is reasonably available as determined by the Association Manager. Cables shall be installed vertically or horizontally and shall be tightly attached to avoid sagging. Cables shall not cross roofing shingles, shall not be stapled through roof shingles, shall be anchored in straight lines and shall follow architectural features such as chimneys, firewalls, trim boards, siding grooves or joints, gutters, downspouts, etc. where available.
- (d) Cables shall be painted the color of the siding, trim boards, gutters or downspouts along or across which they are installed. Paint will be provided by the Association Manager.
- (e) Tenants shall not have satellite dishes installed without the written prior approval of the Owner submitted to the Association Manager before installation. Discontinued or disconnected satellite dishes shall be removed at the time satellite service is terminated.
- (f) The provisions of this regulation shall apply to previously installed antennas, satellite dishes and exterior cable installations.
- (g) Installation of antennas, satellite dishes or cables that pierce the Townhouse asphalt roofing shingles or other exterior surfaces shall void the Association's responsibility for water leaks determined by the Association to have been caused by said installations or removals.

Garage Sales

Individual garage sales shall be restricted to no more than two per year per Owner. Association-wide garage sales may be held at such times as may be approved and advertised by the Board of Directors. No commercial sales may be conducted.

Snow Removal

The Association will remove accumulated snow deeper than three (3) inches from all streets, driveways and common sidewalks. Common sidewalks are defined as those serving more than one Townhouse. Owners are responsible for removing snow from sidewalks, paths, patios, porches and decks that serve only their own Townhouses. Exceptions to this rule may be made for unusual circumstances upon advance written application to the Board of Directors.

Window Air Conditioners and Fans

Window air conditioners and fans may be installed depending upon their noise level, their method of installation and their appearance. Noise level is not pre-set, but the Board of Directors will hear complaints from neighbors and will determine whether or not the noise is acceptable. The units must be installed within the window frame and shall not use any form of exterior support. Units (air conditioners or fans) that have built-in extensions to fill the gaps remaining where a window is open to accommodate them are recommended. Gaps in a window remaining after a unit is installed must be filled with hard materials (no curtains or other cloths, shades, blinds, paper, cardboard, etc.) painted to match the exterior house paint (other than glass or similar rigid, transparent material). Consultation with the Association Manager is recommended before purchase of window air conditioners and fans.

Wood Decks

Carpeting, tile or other floor coverings are prohibited on wood decks and concrete stoops. Wood deck screens shall be black or dark brown plastic mesh only as approved by the Board of Directors.

The above *Rules and Regulations* were adopted by the Board of Directors of the Elk Run Townhouse Owner's Association at its meeting of April 18, 2009 and amended by the Board at its meetings of May 16 and June 20, 2009.



Richard C Thomas
President