

**A Summary of
Rules and Regulations
of use to Property Owners and Renters
in San Ignacio Vistas Inc.**

Adopted October 12, 2010

Revised: Feb 2019 & Nov 2021

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1.0 INTRODUCTION AND OBJECTIVES

San Ignacio Vistas, Inc. (SIVHOA), a Homeowners Association (the Association), is a non-profit corporation. It was incorporated in 1995 for the purpose of preserving the property values and the natural beauty of the setting of San Ignacio Vistas.

As an Owner of property within San Ignacio Vistas, a resident benefits from the twenty-five+ acres of Common Areas, including nearly three miles of streets and sidewalks, extensive drainage lines and over twelve acres of natural vegetation owned by the Association. These assets are managed by the Association to preserve and enhance their value to the whole community.

The Association is self-managed by a Board of Directors (the Board) and several committees established by the Board in accordance with the governing documents.

The main objective of this Handbook is to provide our homeowners with an easy reference guide. The handbook combines and indexes the rules contained in the CC&Rs with all other Rules and Resolutions that have been adopted and distributed over time.

Recent changes to the CC&Rs were passed in an endeavor to make rules less demanding. Most like-kind replacements and repairs no longer require Architectural Committee approval. Procedures for repainting and re-landscaping, within certain guidelines, have been made easier.

Another objective of this Handbook is to make the process of compliance easier to understand.

Much of the text sets out the Rules of the Association. These have been divided into two areas: Section 3.0 deals with General Rules and Section 4.0 contains a listing of Architectural Rules. Section 5.0 will walk you through the approval process and Section 6.0 explains the Complaint Procedure.

2.0 SCOPE AND DEFINITIONS

All terms used within these rules are either defined in the CC&Rs or as follows:

2.1 Owner

Owner refers to the deed holder(s) of record of a Lot within San Ignacio Vistas. Reference may also be made to homeowner or member when referring to Owner.

Owners that rent their property are obligated to provide a copy of these rules to their tenants and are responsible for compliance with the rules by persons inhabiting the dwelling as tenants or residents.

2.2 Lot

Owner's Lot may be referred to as dwelling, dwelling unit, garage, home, house, residence or any combination of these or other terms.

2.3 Association

San Ignacio Vistas, Inc. is a self-managed, not-for-profit, homeowner association, herein referred to as the Association.

2.4 Board

The Board of Directors is elected by the Owners and is the governing body of the Association.

2.5 Secretary

The Board Secretary (Secretary) is the primary point of contact for all Association matters.

Currently SIVHOA is self-managed and the Board Secretary is the primary point of contact, frequently acting more as the manager of the Association than an officer of the Association. In the future, should the Association retain an outside management firm, then the term Secretary used herein shall refer to that management firm as the primary point of contact rather than the Board Secretary.

2.6 Governing Documents include:

- A. Articles of Incorporation of San Ignacio Vistas, Inc. "*Articles*" (dated 1995 and last revised in 2005)
- B. Amended and Restated Bylaws of San Ignacio Vistas, Inc. "*Bylaws*" (last revised October 13, 2008)
- C. Second Amended and Restated Declaration of Establishment of Covenants, Conditions and Restrictions for San Ignacio Vistas "*the Declaration*" or "*CC&Rs*" (dated 1995 and last revised in 2006)
- D. First Amendment to the Second Amended and Restated Declaration of Establishment of Covenants, Conditions and Restrictions for San Ignacio Vistas "*1st Amendment*" dated February 15, 2007

- E. Second Amendment to Second Amended and Restated Declaration of Establishment of Covenants, Conditions and Restrictions for San Ignacio Vistas "2nd Amendment" dated February 24, 2010
- F. San Ignacio Vistas Inc. Homeowners Rules and Resolutions "Rules" revised November 3, 2008 and replaced by Owners Handbook dated October 12, 2010.

2.7 Committees

All committees are appointed by and serve, unless relieved by the Board, for a term of one year. Generally committees operate under the authority of a Committee Charter approved by the Board. All committee members must be Owners in good standing of the Association (current with any dues or assessments and clear of any violations). Committees do not make policy but may put forward policy recommendations to the Board for their consideration. Committees must first secure Board approval before committing to any expenditure of Association funds.

In the event a committee is not appointed or is understaffed, the Board will temporarily assume all the duties of the committee until such appointment(s) can be made so that the provisions set forth in the By-laws can be satisfied.

Current committees include: Architectural, Audit, Financial Advisory, Maintenance and Nominations. Committees may be formed at the discretion of the Board.

2.8 Rules

The Rules and Regulations contained in the Owners Handbook supersede and replace the document entitled *Homeowners Association Rules and Resolutions* (Section 2.6 F) and clarify, but do not replace the other Governing Documents (Section 2.6 A through E).

The Association is subject to all Federal, State and local laws as well as its own Governing Documents. These laws and documents take precedence over any Rule in the event of conflict.

These Rules and Regulations may be periodically revised and updated by the Board within the framework of the Governing Documents of the Association.

3.0 GENERAL RULES AND REGULATIONS

The purpose of this section is to assist Owners in maintaining the Association standards of yard and exterior home maintenance and to set standards that encourage responsible resident behavior.

These standards are designed to sustain property values within the Association. In this regard the appearance of individual Lots plays an important role. It is the Board's intention that the Rules be applied in a fair, consistent, non-discriminatory manner, and that waivers or variances will be few, and then only with the approval of the Board.

3.1 Animal Feeding

No food or feed of any kind is to be placed in or distributed upon the Common Areas.

3.2 Automobiles and other Vehicles (for Parking & Storage see Section 3.14)

- A. The speed limit within San Ignacio Vistas shall: 1) be no more than is safe for existing conditions and 2) never exceed 25 mph.
- B. All references to vehicles, motorized or not, include but are not limited to all-terrain vehicles, automobiles, bicycles, golf carts, motorized bikes, recreational vehicles, tri-cycles, trucks and any other vehicle that may be ridden or driven with or without a license.
- C. No vehicle may be driven except on the street or for the purpose of ingress or egress by way of the driveway or the designated guest parking areas.
- D. No vehicle may be driven or parked in the unpaved Common Areas or on the sidewalks or curbs within San Ignacio Vistas.
- E. No vehicle may be parked on a Lot except in the garage or on the driveway.
- F. The only place an automobile or other vehicle may be serviced, maintained, repaired, rebuilt or dismantled is within the confines of the garage.
- G. Vehicles may be washed on driveways, provided such vehicles do not overhang sidewalks. Larger RVs may be washed in the street twice a year in compliance with Section 3.14 E paragraphs 4 and 5.

3.3 Bird Feeders and Birdhouses

No bird feeders or birdhouses are to be placed or hung in the Common Areas or hung over a patio wall onto the Common Areas. (Bird feeders tend to attract pack rats and the snakes that prey upon them and other pests.)

Bird feeders and birdhouses may be placed at the side or rear on the Owner's property at the Owner's discretion provided they are positioned within the perimeter wall so that feed will not fall into the Common Areas.

3.4 Burning (See Section 3.13 B.2))

No burning or incineration of trash, refuse or scrap of any kind is permitted. Burning of wood within fireplaces or chimineas is permitted. Use of wood chips in grills is permitted.

3.5 Business Use

All properties shall be used solely for private single-family residential purposes and no trade or business may be conducted on any Lot. However, any Owner may conduct a home business on 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 the Lot.
- B. The business activity does not involve: 1) any Person conducting such business who does not reside on the Lot or 2) door-to-door solicitation of other Owners or their tenants and guests.
- C. The existence or operation of the business does not increase that Lot's use of any part of the Common Areas over that which is standard for a Single Family Residence.
- D. The existence or operation of the business does not require customers or delivery trucks beyond those provided by the U.S. Postal Service, UPS or similar services.
- E. The business activity does not constitute a nuisance or a hazardous or offensive use, or cause the Owner to violate 3.13 herein, or threaten the security or safety of others, as may be determined at the sole discretion of the Board.
- F. No Lot may be rented for a duration of less than one month.

3.6 Common Areas – Use and Maintenance

The Association owns over twenty-five acres set aside as Common Area. A significant portion of the Common Area is used for public utility, drainage-ways, streets, designated guest parking, sidewalks, mail box pads, entrance features and for other purposes to meet the needs of our Owners. Almost half of the Common Area is planted with trees and other vegetation. The Association maintains these and similarly planted areas that abut the Common Area where the Association has been granted a "use easement" as defined in the CC&Rs. Refer to Attachment 7.9 - (Use Easements) for examples and diagrams for additional explanation.

All maintenance of the Common Area, including trimming, topping or removal of Common Area trees or vegetation, is performed under contract with licensed, insured professional landscape maintenance companies at dates and times designated by the Maintenance Committee.

Owners may obtain information about the timing or scope of maintenance by contacting the Secretary. Owners may request service under the provisions of Attachment 7.8 - (Pruning or Removal of Common Area Trees and Other Vegetation) by using the accompanying Service Request Form.

Except as noted below, no Owner is to enter upon any portion of the planted acreage generally referred to as the Common Area without the express written consent of the Association. The reason for this restriction is to limit erosion of the soil and damage to the vegetation. We are also concerned about possible injury. With such consent members of the Maintenance Committee, other Owners and certain contractors may enter the planted acreage in the pursuit of Association business.

Use of the Common Area is further restricted as follows:

- A. The unpaved Common Area is not to be used as a pet run and should only be entered upon for the purpose of cleaning up after a pet. (See Section 3.15)
- B. No posting of signs except as provided in Section 3.16 herein.
- C. Within the Common Area there is to be no:
 - 1) Dumping of debris, including dirt or other yard waste and construction materials, or any other waste materials.
 - 2) Parking which obstructs access to mail boxes or utility fixtures located in the Common Area. (See Section 3.14)

3.7 Curbs and Sidewalks

The curbs and sidewalks are owned and maintained by the Association. The sidewalks are intended as walkways and the curbs to divert water runoff. They are not intended for the parking of a vehicle. (Driving or parking on the curbs and sidewalks will shorten their useful life, increasing our cost to maintain them and potentially interfere with foot traffic. Please ask your guests, invitees and vendors to park completely on the street.)

3.8 Emergency Access/Owner Contact

- A. Without exception, the Owner should have on file with the Secretary contact information for someone who has access to his or her home in the event of an emergency.
- B. If an Owner is not a full time resident, it is a requirement to provide the Association with an alternate address and phone number to ensure timely receipt of important mailings.

3.9 Garage and Other Sales (See also Section 3.16 B) **REVISED 11-16-21**

In order to minimize the impact which yard sales, garage sales or other activities have on the neighborhood, each residence is limited to two sales per calendar year consisting of a maximum of three consecutive days per sale. Owners must notify the Secretary at least one week in advance of the sale.

Any sales activity in excess of this is considered business activity and will not be allowed. An Owner will be subject to a fine of \$50 per day for the first day exceeding the above limitations, \$75 for the second day and \$100 per day for each subsequent day of violation.

3.10 Holiday Lights

Holiday lights and similar decorations are permitted not earlier than 30 days before and shall be removed no later than two weeks after the holiday.

3.11 Maintenance by Owner (see Section 4.29)

Owners and occupants shall maintain their home, yard and landscaping and any other improvements located on their Lot in a neat, clean, attractive, safe and sanitary condition.

3.12 Materials and Trade Equipment (see Section 4.31)

No materials, equipment, vehicles or supplies used in connection with any trade, service or business may be kept, stored, parked, dismantled or repaired on any Lot or on any street within the Association except in the Owner's house or garage.

3.13 Nuisances

- A. No nuisance detrimental to any other Lot or to the Association or offensive to any Owner shall be permitted.
- B. A nuisance may include, but is not limited to, the following:
 - 1) Barking or other pet nuisances. (See also Section 3.15 B & D))
 - 2) Burning of odiferous or smoky fires.
 - 3) Loud, abusive, boisterous or excessive noise or conduct.
 - 4) Loud or noisy operation of sound systems, radios, televisions or other electronic equipment.
 - 5) Loud or noisy operation of motorized vehicles or power equipment including the revving of engines.
 - 6) Pest infested birdbaths, water containers, pools, water effects or waterfalls.
 - 7) Vegetation that undermines, grows over, or otherwise interferes with access to Common Area sidewalks.
 - 8) Release of wind-blown paper or other debris.
 - 9) Storage of odiferous materials.

3.14 Parking and Vehicle Storage (see Section 3.2 G for Washing)

No vehicle (motorized or not) shall be parked at any time in the unpaved Common Areas, on the curbs or sidewalks or on a Lot except in the garage or on the paved driveway. This and the restrictions cited below do not apply to public service and public safety emergency vehicles protected under State law.

A. Parking in the street

Except for certain commercial and recreational vehicles, overnight parking in the streets is not permitted.

B. Overnight parking in the Designated Guest Parking Area

Overnight or short term parking in the Designated Guest Parking Area is intended to accommodate our guests and is limited to a period of 72 hours (continuously or not) in any 7 day period. Owners and their tenants shall not park their vehicles in the Designated Guest Parking Area on a regular and ongoing basis, except with the express written permission of the Association.

Except for certain commercial and RVs, vehicles parked in a Designated Guest Parking Area are limited to one parking space and the vehicle should not extend beyond the parking area into the street.

C. Vendors and Construction Access

If vendor or construction equipment is to be parked within the Association overnight in order to facilitate vendor and construction access to a house or for repairs and maintenance of the Common Areas including the streets, sidewalks or curbs, the express written permission of the Association is required. To enhance public safety the vehicle and any materials left in the street shall be properly marked with reflectorized safety triangles, traffic cones or similar devices.

D. Moving vans and other delivery vehicles

Loading or unloading of delivery vehicles parked in the streets including moving vans should be done during the daylight hours when there is clear visibility of the vehicles.

If the moving van or other delivery vehicle is to be parked within the Association overnight, the express written permission of the Association is required. To enhance public safety the vehicle shall be properly marked with reflectorized safety triangles, traffic cones or similar devices.

E. Recreational Vehicles

Recreational vehicles (RVs) include, but are not limited to, ATVs, boats, campers, golf carts, motorcycles, motor homes, trailers and vans.

RVs may not be parked or stored anywhere within San Ignacio Vistas except in the confines of a standard-sized garage or as follows:

RVs may also be parked in the driveway provided they do not overhang the sidewalk or in a designated guest parking area provided they do not protrude into the street for a period not to exceed 72 hours (continuous or not) in any seven-day period and not to exceed 144 hours (continuous or not) in any thirty-day period.

RVs may also park in the street in front of their lot provided the RV does not obstruct access to a neighboring driveway and provided the RV is parked on the street for a period not to exceed 48 hours (continuous or not) in any seven-day period for the purpose of loading or unloading personal belongings. Any parking in the street also counts against the time allotted for parking elsewhere in San Ignacio Vistas.

To enhance public safety, the vehicle shall be properly marked with reflectorized safety triangles, traffic cones or similar devices. Slide outs may be temporarily extended during daylight hours only and must have a noticeable safety flag attached where it can be easily seen.

If the Owner or their guests, who may be driving or pulling one of these RVs, is to park in the driveways, streets or designated guests parking areas in San Ignacio Vistas beyond the time frames specified in Section 3.14 E, the express written permission of the Association is required.

3.15 Pets and Animals

- A. No animals other than household pets are permitted. Household pets include but are not limited to cats, dogs, small indoor birds and fish. Household pets do not include, without limitation, such animals as pigs, rabbits or snakes. No animal may be bred or raised for commercial purposes.
- B. Pet owners shall be responsible for their pets, including their maintenance and their actions both on and off their property and shall ensure that their pet is not a nuisance to other Owners.
- C. Once off the Owner's property the pet must at all times be accompanied by a responsible person and either kept on a leash as required by Pima County Code, or in an appropriate carrier.
- D. As required by Pima County Code, pet owners shall be responsible for clean-up and proper disposal of pet waste deposited in all Common Areas, including the streets or sidewalks or on any Lot including that of the Owner.
- E. Pets must be kept inside the house or when the Owner is present, within the Owner's walled yard.

3.16 Signs or posting of notices

No sign or notice shall be displayed to the public in the Common Areas or on any Lot or on any vehicle except as provided below.

A. Billboards or advertising signs

Billboards or advertising signs are not permitted.

B. Garage and Other Sale Signs

Signs advertising garage and other estate sales can be posted at the entry ways and other locations within San Ignacio Vistas provided they are removed after sale hours.

C. For Rent Signs

A single For Rent sign may be posted in the front window or in the front yard, provided it meets the following criteria:

- 1) It must be in "like new" condition, professional in appearance and sufficiently sturdy to withstand microburst and other storms.
- 2) It cannot exceed 18" x 24" size.
- 3) If a signpost or other holding device is used, it must be placed at least three feet away from the sidewalk, the driveway and the property line. The sign post or holding device cannot exceed five feet in height and must be professional in appearance, "freshly painted" and in "like new" condition.

D. For Sale Signs

- 1) Signs advertising the sale of an automobile or other vehicle cannot be placed on or near the parked vehicle except when the vehicle is parked in the garage or driveway of the Owner.
- 2) Signs advertising the Sale of a house can be posted in the front window or in the front yard provided it meets the following criteria:
 - a) The Owner or Realtor on behalf of the Owner can place one For Sale sign and one sign rider on the Lot by State law.
 - b) Signs must be in "like new" condition, professional in appearance and sufficiently sturdy to withstand microburst and other storms.
 - c) The size of the sign is limited to 18" x 24" by State Law.
 - d) A single rider, not exceeding 6" x 24", can be attached to the sign as permitted by State Law.
 - e) If a signpost or other sign holding device is used, it must be placed at least three feet away from the sidewalk, the driveway and the property line. The sign post or holding device cannot exceed five feet in height and must be professional in appearance, "freshly painted" and in "like new" condition.

E. Open House Signs

A single portable "Open House" sign is permitted during the hours a real estate broker or sales person or Owner is conducting an open house. The sign is to be removed when the property is not open for public inspection.

F. Notices

Notices, handbills and solicitations of any kind cannot be posted or hung or otherwise placed anywhere in San Ignacio Vistas except certain political petitions as provided by State Law.

G. Political Signs

The Owner may place one or more "political signs" on their Lot pursuant to State law.

The sign(s) must be temporary, related to a political candidate, political party or issue in a public election and displayed for a period of not more than forty-five (45) days prior to the election and seven (7) days after the election as provided by State Law.

The size of the sign(s) cannot exceed 24" x 24" as provided by State Law.

3.17 Temporary Living Quarters

No temporary house, house trailer, motor home, or other like vehicle, tent, garage, camper, boat or outbuilding of any kind is permitted on any part of the Properties (as defined) for use as living quarters on either a temporary or permanent basis.

3.18 Unsightly Conditions

No unsightly conditions shall be permitted to exist on any Lot. Unsightly conditions include, but are not limited to:

- A. Damaged or faded artificial plants, flags, furniture.
- B. Dead plants, weeds, wood or yard waste except on days scheduled for their removal.
- C. Dismantled, junk or any vehicles that are not fully operational.
- D. Garbage or trashcans, recycle bins or other such items except on days scheduled for trash removal. (See Section 3.19 A))
- E. Left over or unused building materials
- F. Litter, trash, junk or other debris scattered or stacked around the Lot.
- G. Peeling paint or other evidence of lack of maintenance.

3.19 Waste Materials and Trash Removal

A. Trash Removal Contract

The Association has entered into a contract to provide exclusive refuse and recycle service for our Owners in exchange for a negotiated fee paid by individual Owners who are billed directly by the service provider unless they opt out of the contract. Details regarding establishing an account, billing, schedule and service guidelines for both trash and recycling can be found in Attachment 7.10.

The contract limits the number and size of bags or bins that may be placed for pickup. The bags or bins should be placed on the Owner's property (not in the street) and be sufficiently secure so that pests, including birds and animals, or windy conditions will not scatter the contents. (The bags or bins can be placed for pickup the night before, but placement early the morning of pick-up is preferable.)

B. All Other Waste Removal

Normally construction and landscape contractors will remove their debris, waste materials or yard waste, although they will sometimes charge a fee to do so. Homeowners doing their own landscaping can combine yard-waste with bags or bins they put out for trash removal provided the yard-waste can be conveniently stored and spread over several pick-up periods in order to stay within an acceptable number of containers (refer to enclosed Attachment 7.10).

No dumping or disposal of oil, grease or any other chemical, residual substances or any substance or particles from holding tanks, cans or other containers is permitted anywhere within San Ignacio Vistas.

No dumping of debris, waste material or trash is permitted either on the Common Areas or otherwise within San Ignacio Vistas.

(With payment of an access fee, the Owner can take waste materials and other trash, including household items, to the Landfill in Sahuarita - off La Canada north of Toro Road. This can be a good solution for a large amount of trash following a move, extensive house cleaning or work in the yard. The White Elephant Thrift Store or others will pick up reusable items the Owner might wish to donate.)

C. Trash or Waste Containers

All trash, garbage and yard waste shall be kept in suitable covered containers. These containers shall be stored in the garage or out of sight except on trash collection days. Recycle and other containers should be returned to their storage location as soon after pickup as is possible and no later than sundown the day of pickup.

3.20 Weapons

No firearms of any kind, including rifles, handguns, pellet and BB guns, shall be discharged within San Ignacio Vistas except as permitted by law. No bows, slingshots or any other like weapon shall be used. No hunting or target practice shall be permitted.

4.0 ARCHITECTURAL RULES AND REGULATIONS

The rules and regulations contained in this section are usually the direct product of the CC&Rs or have otherwise been adopted by the Board to assist Owners in maintaining high standards for alterations, additions or improvements to any home or yard.

It is our intention that they will be applied in a fair, consistent, non-discriminatory manner.

Many of the Rules in this section will require approval by the Architectural Committee (AC) prior to beginning an addition, alteration or improvement. Others do not. The same is true for Pima County permits. The form for applying to the AC for approval, the process the AC will follow in processing the application and the criteria they will use for acting on an Owner's request are presented in Section 5.0.

4.1 Additions and Other Attached Structures

Rooms and other attached structures (e.g. storage sheds) may be added with the approval of the AC using the Application for Additions and/or Alterations (See Attachment 7.1). It is the Owner's responsibility to notify the Lot Owners on either side of their property of the intent to expand beyond the existing footprint of the dwelling.

4.2 Air Conditioners

- A. No window-type air conditioners are permitted.
- B. Roof-top air conditioning/heating units, including evaporative coolers, may be repaired or replaced at the Owner's discretion.
- C. Since replacement equipment may be larger because of federal mandates, in order to minimize the effect on other Owners, the replacement unit(s) must be painted in order to camouflage and blend into the background. Prior to painting, the color must be approved by the Architectural Committee.
- D. Equipment shall be maintained in order to minimize noise of operation.

4.3 Antenna and Satellite Dishes

A satellite dish may be placed at the side, rear or on the roof at the Owner's discretion provided that placement is as inconspicuous as possible while being compatible with obtaining a signal.

The installation of any other dish, radio, television or other antenna or similar equipment requires AC approval. Approval will be governed by the *Rules for Antenna Installations, Maintenance and Use*. (See Attachment 7.7.).

4.4 Awnings

Awnings may be installed over windows with prior approval of the AC. The color should be compatible with adjacent painted or finished surfaces.

4.5 Birdbaths and Water Fountains

Birdbaths and water fountains of five feet or less in height, including pedestal, may be placed at the side or rear of the house or in an entry courtyard at the Owner's discretion. See Section 3.13 B 6).

4.6 Chimney Caps

When installing or replacing a chimney cap it must be painted to match the surface to which it is attached.

4.7 Clothes Lines

Outdoor clotheslines or drying structures may be placed in the side or rear and retracted or removed when not in use provided they are not visible from neighboring property whether in use or not.

4.8 Detached Structures

No detached garage or other detached structure is permitted.

See Section 4.1 for additions and other attached structures.

4.9 Dog Houses and Dog Runs (see Section 4.36)

4.10 Doors and Windows

Existing entrance doors, security doors, sliding doors and windows may be repaired or replaced at the Owner's discretion provided there are no modifications to the dimensions. Any modification of dimensions or new installation requires AC approval. The installation of rolling shutters or security bars on windows requires the approval of the AC.

All colors must conform to Section 4.32 guidelines.

4.11 Driveways

Existing driveways may be repaired or replaced at the Owner's discretion provided the dimensions and materials are the same as the driveways they replace. Driveways may be bordered by brick, flagstone, pavers or rock. Any modification of material or dimensions or other installation, such as painting or application of epoxy coatings, requires AC approval.

4.12 Enclosures

Enclosure of roofed-over entryways, porches or patios requires AC approval. Pima County may require a permit based upon size and other criteria.

Existing enclosures may be repaired or replaced at the Owner's discretion provided there are no modifications to the dimensions and the materials employed and the color conforms to Section 4.32 guidelines. Any other installation requires AC approval.

4.13 Entrance or Access Walks, Front Court Yards, Patios and Porches

Existing walks, court yards, patios and porches may be repaired or replaced at the Owner's discretion provided the color, dimensions and materials are the same as those they replace. Any modification of materials, dimension or color or other installation, including epoxy coating of walkway, patio or porch surfaces, requires AC approval.

4.14 Expansion to Driveway, Garage or House

Expansion of the driveway, garage or house requires AC approval. It is the Owner's responsibility to notify the Lot Owners on either side of the intent to expand beyond the existing footprint of the dwelling. (See Attachment 7.1)

4.15 Exterior Lighting (see Section 4.28)

4.16 Fences

No barbed wire, chain link, chicken wire, electrical, plastic, hog wire, strand wire fencing or bare concrete or masonry walls is permitted. Slump block walls are permitted. At their discretion, an Owner may place screening on the inside of their gate(s) to keep pests out as well as temporarily enclose or cover vegetation for protection. Screening should not exceed the height of the gate(s).

4.17 Flagpoles

Flagpoles of five feet or less in length may be mounted on the house at the Owner's discretion. House-mounted flagpoles of greater length are not permitted.

In-ground flagpoles require AC approval and are subject to the following:

- A. The height cannot exceed that of the Owner's house.
- B. Cables, connections and flags must not snap in the wind nor materially interfere with neighbors' views.
- C. Except as noted in D below, all flags permitted by State Law must be lowered at nightfall.
- D. The American and/or Arizona State flags may be displayed through the night if they are properly illuminated during the hours of darkness. No more than two spotlights, with a combined light output of 650 lumens may be installed to create this "patriotic effect." Neither spotlight may point toward Mount Hopkins or the house of any neighbor. Floodlights are not permitted.

4.18 Garage Doors

Existing garage doors may be repaired or replaced at the Owner's discretion provided there are no modifications to the dimensions and the materials employed and the color conforms to Section 4.32 guidelines. Any modification of materials or dimensions or other installation requires AC approval.

4.19 Gates, Railings, Gutters and Downspouts

Existing gates, railings, gutters and downspouts may be repaired or replaced at the Owner's discretion provided there are no modifications to the dimensions and the materials employed and the color conforms to Section 4.32 guidelines.

Gates to access side yards may not exceed six feet in height measured from the ground. Front entry gates may not exceed seven feet in height. Decorative features that support the entry gates must either be of the same brick or stucco materials of nearby walls or of the same materials as the decorative railing. Any modification of materials or dimensions or other installation requires AC approval.

4.20 Gazebos (see Section 4.8)

No detached structure is allowed. See Section 4.38 for ramadas.

4.21 Grass Yards

Grass may be planted at the Owner's discretion provided it is not visible from the street and it is pollen free. Invasive grasses are not permitted.

4.22 Greenhouses (see Section 4.8)

A greenhouse, solar room or solarium may be attached to the rear or side of the house with approval of the AC. It is the Owner's responsibility to notify the Lot Owners on either side of the intent to expand beyond the existing footprint of the dwelling. (See Attachment 7.1)

4.23 Grills

A grill may be placed to the rear or side of the house at the Owner's discretion provided it is not affixed to a perimeter wall.

4.24 Gutters and Downspouts (see Section 4.19)

4.25 House Numbers

Curbside address numbers are not permitted. Existing house numbers may be repaired or replaced at the Owner's discretion provided dimensions, location and materials are substantially the same as those they replace. Name plaques of comparable size may be placed at the Owner's discretion near the house numbers.

4.26 Irrigation Systems

Underground manual or automatic irrigation systems may be installed, repaired or replaced at the Owner's discretion. Above-ground systems are not permitted. When using watering hoses they must be stored after each use. Rainwater storage tanks are permitted at the side or rear of the dwelling unit provided that they are either buried or walled-in so that they are not visible from neighboring property.

4.27 Landscaping and Hedging

Landscaping is an integral part of the overall image and character of San Ignacio Vistas. It should enhance the architecture of the house, the natural beauty of the environment and the overall quality of the neighborhood. Landscaping is also the preferred means of providing visual privacy.

- A. Yards shall be landscaped. A plan to install totally new landscaping or to substantially replace existing landscaping requires approval by the AC.
- B. Significant structural elements related to landscaping such as patios, raised brick or stonework, walkways, water effects, water falls and statuary requires the approval of the AC.
- C. Alterations to existing landscaping requires approval of the AC with the following exceptions:
 - 1) Brick, rock and stone may be used as accent elements or ground cover when chosen so that its color, size and installation complement the architecture of the house, the natural environment and associated plant materials.
 - 2) Landscape-related elements such as benches, pottery and other accent pieces may be placed at the Owner's discretion.
 - 3) An Owner may remove plants at any time.
 - 4) Annuals may be planted in pots at the Owner's discretion.
 - 5) Accent plants, cactus, perennials, shrubs, succulents and trees may be planted at the Owner's discretion provided they are:
 - a. Chosen from the *Low Water Use Drought Tolerant Plant List**.
 - b. The mature height does not exceed eighteen feet. (see Section 4.27 G), and
 - c. They are not strongly allergenic.

* *This list is prepared by the Arizona Department of Water Resources. A copy is contained in the Plant Guidelines Book (Reference 7.14 a)). See page 33*

Note: Another helpful publication provided in the Plant Guidelines Book is *How to Select, Grow and Enjoy Plants for Dry Climates* by Mary Rose Duffield and Warren Jones, (Reference 7.14 c)) See page 33

- D. A number of popular trees and other vegetation choices are either not listed in the *Plant Guidelines* Book as low water use or drought tolerant or are listed but are highlighted in yellow as potentially inappropriate. Planting of these highlighted items or other unlisted options would require the approval of the AC.

- E. Because of their nature, any plants listed in the publication *Invasive Non-Native Plants That Threaten Wildlands in Arizona** should not be planted. The list includes invasive grasses such as Buffleggrass and Fountain Grass (Section 4.21).

* This publication is prepared by the Arizona Wildlands Invasive Plant Working Group. A copy is contained in the *Plant Guidelines Book* (Reference 7.14 b)). See page 33

- F. Hedges may not exceed six feet in height and must meet the same setback requirements as the walls surrounding the Lot.
- G. All trees and other vegetation planted in the Lot shall be kept trimmed to a height of eighteen feet or less as measured from the ground except as follows:
- 1) The restriction does not apply to the Saguaro Cactus.
 - 2) Trees and other vegetation that might exceed eighteen feet in height, including most palm trees are permitted provided such trees and vegetation that exceed eighteen feet in height do not number more than three on any one Lot, are regularly trimmed to maintain a neat and compact appearance and their combined width, when trimmed, does not exceed fifteen feet at any point above eighteen feet in height.
 - 3) Trees and vegetation that both exceed eighteen feet in height and fifteen feet in combined width at any point above eighteen feet in height may require modification or removal.
 - a. Modification means reducing either the height or width or a combination of the two by cutting back or trimming the growth to accepted levels.
 - b. Removal means cutting down to ground level. Modification is preferred whenever the tree or other vegetation can sustain regular trimming. Removal is appropriate only when modification is not practical.
 - 4) If a homeowner believes there is a violation of Section 13.9 of the CC&Rs they must file a written Complaint with the Board. The Resolution regarding Measurable Interference with Views by Trees located on Private Property and Complaint Form are contained in Attachment 7.3 herein.

4.28 Lighting

Owners must ensure their exterior garage lights are in working order and on at night. (There is no other street lighting in San Ignacio Vistas.)

Existing exterior lighting mounted on the garage or house may be repaired or replaced at the Owner's discretion provided there are no modifications to the dimensions and the materials employed and the color conforms to Section 4.32 guidelines.

Owners may at their discretion provide ground mounted hooded lighting for their walkways, to illuminate flags (Section 4.17 D), water effects, vegetation and other featured items in their yards provided such lighting shall not be directed toward or interfere with surrounding Lots or Common Areas, including streets, or be directed towards the sky.

Owners may at their discretion install and operate lighting at the rear of their house to illuminate their porches and patios provided such lighting is suitably covered and of appropriate wattage.

Any other modification or installation requires AC approval.

Only white or yellow lamps (light bulbs) are permitted except for holiday lighting (Section 3.10).

Uncovered lighting, floodlights or other high intensity lighting having adverse impact on neighbors due to location, wattage or other features is not permitted.

4.29 Lot Maintenance

- A. Each Lot shall be neatly maintained.
- B. Yards shall be kept free of trash and/or weeds.
- C. Landscape plantings shall be maintained in an attractive, healthy, live and growing condition through regular watering and trimming as appropriate.
- D. Dead or diseased plants shall be promptly removed and, if appropriate, replaced (see Section 4.27).
- E. Trees and shrubs shall be maintained and pruned so as to have a neat, well maintained appearance which includes, but is not limited to, pruning back trees and shrubs that:
 - 1) encroach on neighboring property.
 - 2) grow over perimeter or party walls.
 - 3) grow over any part of the common sidewalks.
- F. The root systems of trees and shrubs shall not be allowed to lift or otherwise cause damage to any Common Area sidewalk, wall or other structure.
- G. Houses and any structure attached to the house shall be maintained in good condition and repainted when needed to present a well-maintained appearance.

4.30 Mail Boxes

Only the existing community mail boxes are permitted.

4.31 Materials Storage

No lumber, building materials or litter may be stored on the Common Areas of the Association, including its sidewalks and streets. Contractors/Owners may

temporarily store on an Owner's Lot building materials that will be used for construction of an approved project. (See Section 3.12).

4.32 Painting and Sealing: (Revised 2-11-19)

Owners are to complete an Application for Painting (Attachment 7.2) and submit this form for all exterior painting. This is to ensure that approved colors are being used and the Association has a record of when painting was completed. Plan accordingly to have your application approved prior to the start of work. This process should take less than a week.

ALL applications must be approved prior to proceeding with any painting.

SIV colors have been established using the Dunn Edwards Matching system. The **SIV Paint Palette Book** contains chips and can be borrowed from the Secretary. You can also view our colors on the Dunn Edwards website.

https://www.dunnedwards.com/colors/archive/color-ark_pro/san-ignacio-vistas/san-ignacio-vistas

Since monitors do not accurately represent a color, actual paint chips should be ordered from this site.

You may use paint other brands of paint but must ensure that the color is properly matched. The Architectural Committee can help you with this process.

Note: As revisions may be made from time to time it is suggested you confirm that no changes were made since February 2019.

A. Guidelines for the Painting Process:

- 1) Select the **Main Stucco** color from Section 1 of the SIV Paint Palette.
- 2) **Trim/Accent** may be applied to portions of your home using two colors chosen from Section 2 of the SIV Paint Palette. Because there are so many options the AC Committee has a Color Consultant who can offer suggestions to enhance the design features of your home.

The following is not meant to be a complete list of possibilities:

Roofline trim and gutters attached to the roofline trim; window and garage bump outs; security/metal doors, gates and railings; column and wall bump outs; exterior wall chair rail; niches and the flat wall surrounding recessed windows.

- 3) **Front Doors** may be painted with a color that resembles wood.
- 4) **Utility boxes** shall match the color to which they are affixed. When **downspouts or conduit** cross over different surfaces, they

shall be painted to match the color to which they are affixed.

- 5) **Garage doors on homes that have all slump block (brick)** shall be painted using one of the colors from Section 3 of the SIV Paint Palette.
- 6) **Items mounted on slump block (brick)** shall be painted to blend with the brick using one of the colors from Section 3 of the SIV Paint Palette.
- 7) **Security doors, wooden or metal gates, and metal railings** should be painted or stained using a recommended product.

B. Sealing and Other Color Guidelines:

- 1) **Brick (slump block):** These bricks are porous, whether part of the house, patio or party-wall and will deteriorate over time if not sealed. Care should be taken so that the seal is not overly glossy or reflective to prevent glare. (See Section 4.49) It is recommended that the homeowner seal brick as often as repainting is suggested.
- 2) **Enclosures of entryways, and Porches** may include a combination of metal trim, pre-finished fabric or wire mesh or metal trim and screens. If all the surfaces are painted, they should match either the SIV designated stucco or trim color. If pre-finished, the color scheme of the entire enclosure, including the doors, screens, decorative metal and trim should be compatible with adjacent painted surfaces. A paint chip or sample should be included with the Application to the AC for their approval. (See Section 4.12)
- 3) **Parapet Walls and Flat Roofs:** Sealant on **Parapet Walls** visible from neighboring lots or from above streets must not cause a glare. Because of this, the basic white roof seal will require tinting when being applied to the parapet walls. This color must be approved. **Flat roofs** may be sealed at the Owner's discretion since they will deteriorate over time if not sealed.
- 4) **Ramadas** constructed of wood should be painted in the SIV designated stucco color if they are affixed to stucco or the SIV designated trim color if they are affixed to trim.

If the Ramada is stained or constructed of metal its color should be compatible with adjacent painted surfaces and a paint chip or sample should be included with the Application to the AC for their approval. (See Section 4.38)
- 5) **Screens including solar screens** are generally made of fabric or wire mesh that is pre-colored. This color should be black, brown or otherwise compatible with the color of adjacent painted or finished surfaces. (See Section 4.46)
- 6) **Trim around solar screens, sliding doors or windows** is usually pre-finished in either metal or vinyl and comes in an assortment of colors. The color should be compatible with adjacent painted surfaces and a paint chip or sample should be included with the Application to the AC for their approval. (See Section 4.10)

4.33 Patio Furniture

Patio furniture may be placed in courtyards or on patios and porches or in the rear or side yard.

4.34 Patios and Porches (see Section 4.13)

4.35 Porch or Patio Enclosures (see Section 4.12)

4.36 Pet Houses, Pet Doors and Pet Runs

No pet, or other animal, may be housed outside the dwelling unit. Pet doors and runs are permitted if they are at the side or rear of the house, are less than five feet high, are located where they will be visually unobtrusive and are protected from predators. Pet doors that meet the above criteria may be installed at the Owner's discretion. Designs for a pet run must be submitted to the AC for approval prior to installation.

4.37 Pools, Spas and Hot Tubs

No above-ground pools are permitted.

Existing in-ground pools, outdoor spas and hot tubs may be repaired or replaced at the Owner's discretion. Any other modification or installation requires approval of the AC.

4.38 Ramadas (see also Section 4.8)

A Ramada is defined as an open, slatted-roofed shelter designed primarily to provide shade. A ramada must be attached to the rear and or side of an existing structure. Detached structures, including ramadas, are not permitted. Existing ramadas may be repaired or replaced at the Owner's discretion provided there are no modifications to the dimensions and the materials employed and the color conforms to Section 4.32 guidelines. Any modification of dimensions, materials or other installation requires AC approval.

It is the Owner's responsibility to notify the Lot Owner on either side of any intent to expand beyond the existing footprint of the dwelling. (See Attachment 7.1)

4.39 Recreation and Play Equipment

No recreation or play equipment, including basketball hoops, swing sets and play houses, is permitted.

4.40 Roofs and Skylights

Existing roofs and skylights may be repaired or replaced at the Owner's discretion provided there are no modifications to the dimensions and the materials employed and color conforms to Section 4.32 guidelines. Any modification of dimensions, materials or other installation requires AC

approval. Any new pipes, flashing, or any other metal must be painted to match the background surface to which it is attached with non-glare paint.

4.41 Sculptures and Artwork

Art, sculptures or commissioned pieces may be placed in the yard or on the house with AC approval.

4.42 Security Doors (see Section 4.10)

4.43 Skylights (see Section 4.40)

4.44 Solar Energy Devices

- A. A licensed and certified solar energy device contractor shall provide construction drawings clearly depicting the location and number of collectors, method of attachment or mounting and location of any other exterior system components. Notification and permits must be obtained from the County prior to installation. (see Section 5.2)
- B. Units may be mounted:
 - 1) Using a rack system on a flat roof
 - 2) Flat on a pitched roof that is facing South
 - 3) With an elevated rack system on non-South facing pitched roofs
 - 4) Ground mounted
- C. Elevation of ground-mounted units is subject to zoning setbacks and, to ensure optimal output, must be free of shade.
- D. Placement in the front of the house is discouraged unless such prohibition would violate State law.
- E. If the device is not maintained, is damaged or in disrepair, or becomes inoperable, the Owner must repair or remove the unused device from the property if permitted by State law.
- F. Existing solar energy devices may be repaired or replaced at the Owner's discretion. Any other modification or installation requires AC approval within the constraints of applicable law.

4.45 Solariums (see Sections 4.8 and 4.22)

4.46 Solar Screens

A solar screen is defined as any screen attached to the house designed primarily to provide shade.

Existing solar and other screens may be repaired or replaced at the Owner's discretion provided there are no modifications to the dimensions and the color conforms to Section 4.32 guidelines. Any other installation requires AC approval.

4.47 Storage Boxes and Sheds

Storage boxes of the kind used to store cushions for furniture, watering hoses or grilling supplies may be placed at the rear or side of the house at the Owner's discretion provided they are inconspicuous, the colors and materials are compatible with those of the house and the overall dimensions of the box are not more than 75 cubic feet and their height is less than five feet. Storage units are permitted if attached to the house (see Section 4.1) but not if they are detached (see Section 4.8). Watering hoses in the front of the house must be stored in boxes or containers designed for that purpose.

4.48 Vents

Existing Vents on the side of a home may be covered to prevent water damage caused by rain being blown into the attic. The cover must be painted to match the surface to which it is attached.

4.49 Walls (see also Section 4.32 B 1))

- A. Existing exterior and patio walls may be repaired or replaced at the Owner's discretion provided the dimensions and materials are the same as those they replace.
- B. Existing perimeter patio walls, including a party wall that separates two lots, cannot be moved nor raised in excess of six feet in height measured from the ground. Any raising of an existing perimeter wall requires the approval of both the adjoining Owners and the AC.
- C. Interior patio walls may not exceed six feet in height measured from the ground. Any modification of materials, movement, raising or the installation or removal of interior patio walls requires AC approval.
- D. The cost of ordinary repair and maintenance to a party wall must be shared equally by the Owners of the Lots separated by the wall.
- E. The cost to repair negligent or willful damage to party walls will be borne solely by the Owner responsible for such damage.

4.50 Windows (see Section 4.10)

4.51 Yard Maintenance (see Section 4.29)

5.0 ARCHITECTURAL COMMITTEE (AC)

The AC operates under a Charter, approved by the Board which is based upon the provisions in the CC&Rs and the Bylaws of the Association. Within the Charter the AC has three tasks.

First, the AC reviews applications from Owners to construct, alter or otherwise improve their Lots, including the exterior of their homes. During review the AC determines if the application conforms to the Rules of the Association. Based upon this determination, the AC may approve, disapprove or conditionally approve an application. By State Law the AC cannot approve an application that would violate the Rules of the Association. It may exercise its discretion when approving an application where discretion is called for under the Rules. The AC must be timely in its response to the Owners.

Second, the AC shall follow a uniform set of procedures when reviewing each application so as to ensure a fair, consistent, non-discriminatory outcome in accordance with the Rules so as to preserve the value and appearance of the homes in SIV.

Third, the AC may recommend to the Board changes, additions and modifications to existing rules. The AC does not have the authority or power to modify, waive or provide a variance to the Rules. The authority or power to modify the Rules rests with the Board or in the case of the CC&Rs with the Owners of the Association and then only so long as the Board complies with governing documents and applicable laws. The Board may, under exceptional circumstances that are well documented, provide a limited variance to the Rules but then only so long as the Board complies with applicable laws.

5.1 What must have AC approval (See Attachment 7.1 & 7.2)

Generally, additions, alterations, or improvements to a home or Lot will require AC approval while like-kind repairs and replacements do not. The Rules enumerate many of the more common situations that would need AC approval, but examples given are not intended to be all-inclusive. If an Owner is in doubt about when or how to obtain approval, the Association is to be contacted. Failure to submit an application and obtain approval may result in fines or other penalties including removal of the offending alteration or improvement.

When applying to construct an addition to your home, it is the Owner's responsibility to notify the Owners on either side of the intent to expand beyond the existing footprint of the dwelling. This is not for the purpose of granting their approval. If necessary, the Association Secretary can provide contact information. (See Attachment 7.1) If the neighboring Owners have input, the Architectural Committee may, but need not, take this into account in making a final decision to approve or disapprove the Plans.

5.2 Building Permits

In many cases, Pima County requires a permit for construction or other alterations to property. Owners are responsible for determining if this is the case prior to the initiation of any proposed construction. The Pima County Development Services website is useful for the permitting process:

<http://www.pimaxpress.com/Building/default.htm>

The permitting office can also be reached by phone: 520-740-6490

Obtaining the permit does not eliminate the need for AC approval, and AC approval does not eliminate the need for a county permit.

AC approval pertains to but is not limited to the aesthetics of design and compatibility with surrounding or existing building components. AC approval does not constitute an endorsement of any design specifications, engineering or conformity to Building Code.

5.3 The Application

Applications are included in this Handbook (Attachments 7.1 and 7.2). They can also be obtained from the Secretary or downloaded from the website at www.sivhoa.org.

Generally, the application form will provide the name and address of the Owner, identify the Lot involved by address and Lot number and contain sufficient information for the AC to identify all of the necessary particulars of the request. The amount of information sufficient to process an application will vary depending upon the scope of the addition, alteration or improvement, but might include the following:

5.3.1 Site Plan, Drawings and Photographs.

A site plan or drawing is required showing all proposed improvements or alterations relative to the existing conditions of the Lot. Although the drawing may be freehand, it should contain all relevant dimensions (height, width, length). This can be supplemented by proposals from the contractor, mechanical drawings or other literature from the manufacturer, photos or other representations of the proposed improvements or alterations.

5.3.2 Materials and Colors.

A detailed list of the materials, finish and colors to be used should be provided along with a list of the existing materials and colors when appropriate. The application must show that quality, first-class materials and compatible colors will be used. When applicable, colors will conform to the *Paint Guidelines* Book that is available for loan from either the Secretary or the AC. Otherwise the AC will, at its discretion, determine the compatibility of the proposed materials or colors.

5.3.3 Contractor

The application should disclose the name of the contractor, license number if known. If the Owner will be performing the work, disclose that instead.

5.3.4 Start Date and Completion Time.

Provide an estimated start date and completion time. If the estimated time is considered impractical or unreasonable, the AC may condition its approval upon rescheduling. Work must commence within six (6) months of the approval date or a new application must be submitted.

5.4 Application Process

Your primary contact during the application process is the Secretary.

Plans must be complete and ready for submittal to obtain a building permit, if required. Prior to construction the Owner must meet all applicable Pima County requirements. (See Section 5.2 – Building Permits)

5.4.1 Submit Application

- A. The application together with all attachments must be submitted to the Secretary.
- B. The application must be submitted at least 30 days prior to the commencement of the proposed construction or alteration.
- C. If incomplete, the application will be returned to the Owner with a request for additional information.
- D. The application will also be returned to the Owner if it meets all of the criteria for self-guided repair or replacement under the Rules or otherwise does not require AC approval. The Secretary will indicate on the application that it conforms to the rules and no further action is required.
- E. The application may also be returned to the Owner if the application is for a variance or waiver of the Rules. If the purpose of the application is to obtain a variance or a waiver of the Rules, the Owner is required to use the appeal process. (See Section 5.4.4)

5.4.2 Applications are reviewed by the AC.

- A. Applications are forwarded by the Secretary to the AC. To facilitate its review the AC may seek additional information and/or request one or more site visits and/or enter into discussions with the Owner.
- B. The AC may also contact one or more neighbors of the Owner, but need not take their input into account when making its decision.

- C. If the AC cannot obtain all of the information it needs to complete its review, the AC will deem the application incomplete and return it to the Secretary who, in turn, will return it to the Owner for completion.

5.4.3 All responses are in writing.

Once the review is complete, the response will be in writing.

- A. The Secretary will respond to the applicant Owner.
- B. If there have been no delays to gather information the review will normally be completed in 14 days, often sooner.
- C. Owners should feel free to contact the Secretary regarding the status of their applications should the review take longer than 14 days.
- D. If there is a delay in gathering supplementary information or other hold-up in processing, the AC must either advise the Secretary or return the application to the Secretary in a timely manner. In any event the AC must complete its review within 30 days of the receipt of the application. Otherwise the Secretary will notify the Owners that no action has been taken thereby rendering the application unapproved. The Owner may then appeal by submitting the application to the Board for an expedited hearing.
- E. Any response other than a written response from the Secretary is invalid and non-binding on the Association.

5.4.4 Applicant appeal

If the application is denied, the applicant may appeal.

- A. An Owner may also seek a waiver or a variance through the appeal process.
- B. If the appeal is based upon an amended application, the Secretary will resubmit the application to the AC.
- C. The appeal must be requested in writing and delivered to the Secretary within 30 days of the denial date (the date the denial from the Committee is deemed delivered to the Owner).
- D. If the appeal is not based upon an amended application, the Secretary will direct the appeal to the Board. The Board will then have 30 days in which to review the application and render its decision based upon the reasons given by the Committee for its denial and the basis for appeal given by the Owner. The decision of the Board will be communicated in writing by the Secretary to the Owner and will be binding.

5.5 Architectural Review Criteria

Each application will be reviewed on its merits. Consideration will be given to the particulars of the application and the relationship of the additions, alterations or improvements to neighbors using the following criteria:

5.5.1 Conformance with the Rules.

The AC can only approve applications that conform to the Rules. Nonconforming applications will be disapproved and returned to the Owner by the Secretary. The Owner may appeal the matter to the Board.

5.5.2 Conformance with Architectural Standards.

The application must demonstrate the design is in harmony with its surroundings including the applicant's house and those of the neighbors. This means a compatibility of colors, construction detail, use of materials, quality of workmanship and overall scale.

5.5.3 Impact on Neighborhood

The application must also demonstrate that the addition, alteration or improvement will not adversely impact access to or drainage of the lot, infringe on or impair a neighbor's privacy or view or cast a glaring light onto a neighbor's lot.

5.6 After Approval

Once the AC approves the application, any modification to the application requires the Owner to submit an amended application to the Secretary for review and approval by the AC.

- A. Once construction starts it must be completed as approved.
- B. Work must commence within six (6) months of approval or a new application must be submitted.

Upon completion, the Association may inspect the Lot to determine whether the addition, alteration or improvement is in compliance with the approved plans as well as the Rules.

6.0 COMPLAINT PROCEDURE

Homeowners are encouraged to solve problems among themselves whenever possible. If this is not possible, an Owner may file a complaint with the Association. The complaint procedure may apply to any of the Rules set out in this Handbook. A Complaint Form may be obtained from the Secretary or downloaded from the website www.sivhoa.org. (See Section 7.4)

6.1 Register a Complaint

Complaints must be in writing and delivered to the Secretary either in person or by mail using the Complaint Form. Anonymous complaints will not be acted upon. All complaints will be handled in a strictly confidential manner.

If a complaint does not involve a possible violation of the Rules or if a violation cannot be documented because of the passage of time, it may be administered by the Secretary, with or without consultation with the Board.

6.2 Validation of the Complaint

When the Secretary receives a complaint that may involve a violation of the Rules it will be directed to the Board for investigation and validation. The Board may enlist the assistance of one or more Board members or other Owners to investigate and, if appropriate, validate a violation. Once the violation has been validated, the Board shall direct the Secretary to send a violation notice to the Owner specifying the alleged violation. If the Board determines that the complaint cannot be validated, it will be dismissed and the Secretary will inform all parties.

6.3 First Notice of Violation (See Attachment 7.5)

If a violation of the Rules exists, a Notice of Violation letter shall be personally delivered or sent by certified or registered mail. The Secretary will also email a courtesy copy of the Notice if an email address is on file.

This letter will provide the Owner with a written explanation of what Rule or Rules have been violated, the date the violation was verified, and the evidence provided by the verifier(s). Generally this will be performed by individual(s) commissioned by the Board to validate the complaint.

The letter will advise the Owner of their right to a hearing by the Board (see Section 6.4) providing an opportunity to appear. The letter will request compliance with the Rules within an appropriate time frame not to exceed thirty (30) calendar days from the date set for the hearing

If the violation is not overturned at the hearing, or otherwise cured by the Owner within the requested time frame, a Second Notice of Violation (See Section 6.5) will be sent that will impose one or more fines.

6.4 Hearing

With the First Notice of Violation letter, the Board will set a hearing date not later than thirty (30) days from the date of that letter. At the hearing, the Owner may attend and present information (in the form of witnesses, photographs and other evidence) showing that the alleged violations of the Rules did not occur or any other evidence relevant to the claimed violation. At no time prior to or during this hearing will the Board disclose the name(s) on the complaint that initiated their investigation or make those Owners a party to the hearing, unless the Board is required to do so by A.R.S. Section 33-1803D.

Following the hearing the Board shall give the Owner a written Decision Letter with the evidence they relied upon to support that decision. The Board's decision will also be provided to the Complainant.

If the violation is confirmed, the Decision Letter will also notify the Owner of the time frame granted the Owner to come into compliance. This time frame may not exceed thirty (30) days from the date of the hearing. The Decision Letter will also notify the Owner that failure to comply within the allotted time frame would then prompt a Second Notice of Violation letter. The Board may also disclose in the Decision Letter the nature and amount of any fines to be assessed with the Second Notice of Violation letter. The decision of the Board is binding.

6.5 Second Notice of Violation (See Attachment 7.6)

If the violation is affirmed at the hearing and the violation of the Rules continues past thirty (30) days of that hearing, a Second Notice of Violation letter will be sent via certified or registered mail.

The letter will provide the Owner with:

- 1) A written explanation of the Rule or Rules that have been violated,
- 2) The date the Owner was:
 - a) notified of the violation,
 - b) the date the violation was confirmed at a hearing, and
 - c) the cure date.
- 3) The letter will contain notice that one or more fines in the amounts determined by the Board at the hearing referred to in Section 6.4 are due upon receipt of this Second Notice of Violation letter because the Owner has not cured the violation and it has now become a "Continuing Violation." The fine for the "Continuing Violation" may be increased by the Board if the board confirms at the hearing that the violation was aggravated by failure of the Owner to obtain the necessary AC approval prior to starting or completing an addition, alteration or improvement.

- 4) The Owner will also be advised that a "Secondary Fine" will begin to accrue. The Secondary Fine will accrue by an additional amount as determined by the Board at the hearing referred to in Section 6.4 for each week (or partial week) until the violation is removed and the Secretary is given written notice of compliance by the Owner. Once the compliance is confirmed by the Board, the Secondary Fine will cease to accrue.

For example if a First Notice Letter is presented on April 1 and the violation is affirmed at a hearing on April 15 and thirty days later the violation has not been otherwise cured, a Second Notice Letter (see Attachment 7.6) would be sent on or about May 15 and a "Continuing Violation" fine of \$250 (if that was the amount determined by the Board at the hearing) would be assessed with that letter.

If, in this example, the violation is not removed until June 15, then the Secondary Fine in the amount of \$125 per week or portion of a week (if that was the amount determined by the Board at the hearing) began to accrue from May 15 and would total \$625.

4 full weeks plus one partial week @ \$125/week (5 X \$125 = \$625)

6.6 Payment of Fines

Any fine will be billed and collected by the Secretary. If not paid in a timely fashion, the Association may place a lien against the Lot in question. In the event the violation continues, the Board may initiate legal proceedings to enforce compliance, and/or the collection of fines or take action to correct the violation at the Owner's expense.

7.0 ATTACHMENTS AND REFERENCES

- 7.1 Application for Additions and/or Alterations to Property
- 7.2 Application for Painting and Repainting
- 7.3 Resolution and Complaint Form
Regarding Trees on Private Property impeding Views
- 7.4 Complaint Form
- 7.5 First Notice of Violation Letter EXAMPLE
- 7.6 Second Notice of Violation Letter EXAMPLE
- 7.7 Antenna Installations, Maintenance and Use NOTIFICATION FORM & RULE
- 7.8 Pruning or Removal of Common Area Trees
and Other Vegetation GUIDELINES & REQUEST FORM
- 7.9 Use Easements
- 7.10 Waste Materials & Trash Removal, Service Guidelines,
Hazardous Materials and Acceptable and Unacceptable
Recyclable Materials
- 7.11 *Amended and Restated Bylaws of San Ignacio Vistas, Inc.
revised October 13, 2008*
- 7.12 *Second Amended and Restated Declaration of Establishment of
Covenants, Conditions and Restrictions for San Ignacio Vistas dated
January 23, 2006 .*

This document has been modified to incorporate the following

*First Amendment To The Second Amended And Restated Declaration
Of Establishment Of Covenants, Conditions And Restrictions For SIV
dated February 15, 2007 and the*

*Second Amendment To The Second Amended And Restated
Declaration Of Establishment Of Covenants, Conditions And
Restrictions For SIV dated February 24, 2010*

- 7.13 Paint Guidelines for San Ignacio Vistas (BOOK FORMAT ONLY)*
- 7.14 Plant Guidelines for San Ignacio Vistas (BOOK FORMAT ONLY)*
 - a) *Low Water Use Drought Tolerant Plant List*
by the Arizona Department of Water Resources
 - b) *Invasive Non-Native Plants That Threaten Wildlands in Arizona*
by the Arizona Wildlands Invasive Plant Working Group.
 - c) *Plants for Dry Climates, How to Select, Grow, and Enjoy*
by Mary Rose Duffield and Warren Jones

NOTE: 7.5 and 7.6 are examples of Notices of Violations.

* 7.13 and 7.14 may be borrowed from the Secretary or Architectural Committee

All of the above documents, except for the Paint Guidelines book are available in Adobe reader files on our website (www.sivhoa.org). They may also be obtained from the Secretary.