

# MIRAGE HEIGHTS CONDOMINIUMS

HOMEOWNERS ASSOCIATION, INC.



## Rules & Regulations

UPDATED  
MARCH 2020

## **Rules and Regulations**

(Modified March 2020)

The Board of Directors may adopt, amend, and repeal rules and regulations.<sup>1</sup> All rules and regulations apply to unit owners, family members, tenants, and guests.<sup>2</sup> The rules and regulations listed below are not intended to be all-inclusive. Unit owners, family members, tenants, and guests are also expected to use common sense and good judgment. In addition, all units, limited areas, and common areas are subject to the use and occupancy restrictions contained in the condominium declaration as well as local and state laws. Violations can result in reasonable monetary penalties and other remedies.<sup>3</sup>

Because of the size and nature of our Association, the Board of Directors is sensitive to how our rules and regulations are enforced. It's important that unit owners, family members, tenants, and guests have a positive attitude toward the Association, and not feel offended by enforcement action.

The Association's intention is that, whenever practical, enforcement action will start with either a personal conversation or a "quick card" between the Property Manager and the unit owner or tenant. Written notices will be used in appropriate cases to document the violation and request compliance.<sup>44</sup>

Unit owners who observe violations should report them to the Property Manager.

Do not take your complaints directly to Directors. No Director may make a unilateral decision regarding any matter that has not been decided by a quorum of the Directors. No Director may discuss complaints between different unit owners.

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<sup>1</sup> CC&R's Article 6.2; Bylaws Article IV, Section 3(i); Bylaws Article X

<sup>2</sup> CC&R's Article 6.2; Bylaws Article I, Section 3

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## Schedule of Monetary Penalties

In order to enforce the condominium documents and these rules and regulations, the Board of Directors has the legal right under Arizona law to establish, levy, assess, and collect reasonable monetary penalties for violations of the CC&R's, Bylaws, and rules and regulations by a unit owner, family members, tenants, and guests.<sup>5</sup>

The Board has decided that the following schedule of monetary penalties for remedying a violation is reasonable because it is based on (1) the frequency of violation and (2) the time and cost of involving multiple individuals to remedy the violation. Reasonable monetary penalties will be levied according to this schedule as follows:

Category of Violation*	Monetary Penalty**
Use and nuisance restrictions including, e.g., swimming pool/spa, motor vehicles, parking, pets, trash, insects, offensive activities <sup>6</sup>	1st Notice: \$25 2nd Notice: \$50 3rd Notice: \$100
Maintenance and repair duties of a unit owner's unit and limited common elements <sup>7</sup>	1st Notice: \$50 2nd Notice: \$100 3rd Notice: \$200
Architectural and Landscape controls - unapproved alterations <sup>8</sup>	1st Notice: \$100 2nd Notice: \$200 3rd Notice: \$300
CC&R's Art. 7 Assessment Duties - failure to pay assessments <sup>9</sup>	1st Notice: \$10 late charge 2nd notice: \$50 + interest 3rd Notice: 2x amount due
Strictly prohibited behavior <sup>10</sup>	1st Notice: \$150 2nd Notice: \$300 3rd Notice: \$TBD by Board

<sup>5</sup> CC&R's Article 7.11; Article 10.13

<sup>6</sup> CC&R's Article 4

<sup>7</sup> CC&R's Article 5

<sup>8</sup> CC&R's Articles 4 & 6

<sup>9</sup> CC&R's Article 7

<sup>10</sup> CC&R's Articles 4 & 5

\*Some violations may fall into more than one category. The Board of Directors shall have the discretion to determine which category best describes the violation at issue. Examples listed are not intended to be limiting. In other words, each category of violation may include other types of violations not listed.

\*\*Unless otherwise noted, the monetary penalty shall be a one-time amount per notice of violation.

The Board of Directors may amend the schedule of Monetary Penalties from time to time.

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No monetary penalty will be imposed without giving the unit owner written notice of the alleged violation and an opportunity to be heard in a manner determined by the Board of Directors.

Other remedies that may be available or assessed in addition to monetary penalties include:<sup>1111</sup>

- Charges for late payments.
- Reimbursement of fees to collect the penalty.
- Reimbursement for damages.
- Reimbursement for legal fees.
- Late fees if a penalty has not been paid within 30 days from the levy date.
- Other reasonable remedies available under Arizona law and the CC&R's.

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<sup>11</sup>  
CC&R's Articles 6, 7, and 10

## **Strictly Prohibited Behavior**<sup>12</sup>

- Noxious, offensive, dangerous, unsafe, immoral, or unlawful activities.<sup>13</sup>
- Activities that will increase or cancel Association insurance.<sup>14</sup>
- Damaging, destroying, or wasting Association property.<sup>15</sup>
- Promoting the spread of vermin, odors, or conditions constituting a danger or nuisance.<sup>16</sup>

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<sup>12</sup> CC&R's Article 6.2; Bylaws Article IV, Section 3(i)

<sup>13</sup> CC&R's Article 4.11

<sup>14</sup> CC&R's Article 4.12

<sup>15</sup> CC&R's Article 5.2

<sup>16</sup> CC&R's Article 4.9

**Inside Units and Limited Common Areas**

(e.g., patios and garages)<sup>17</sup>

- All units are exclusively limited to residential use by a single family.<sup>18</sup>
- Keep units clean and in good order and repair.<sup>19</sup>
- Use beige or white window treatments that are visible from outside the unit.
- Noise levels and smoking shall not disturb or annoy other residents or create any other nuisance.<sup>20</sup>
- Garage doors should be left closed to discourage theft and animal entry.

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<sup>17</sup> CC&R's Article 6.2; Bylaws Article IV, Section 3(i)

<sup>18</sup> CC&R's Article 4

<sup>19</sup> CC&R's Article 5.1(A)

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## Outside in Common and Limited Common Areas<sup>21</sup>

- Keep outside areas free of obstructions and use them only for the purposes for which they were designed.
- Place or store nothing outside a unit in a common area.
- Store trash containers inside your garage.<sup>22</sup>
- Trash containers should not be left in a pickup area for more than 12 hours before scheduled pickup or more than 12 hours after pickup.
- All landscaping changes require the Board of Directors' written approval.
- Do not leave out food or bait to feed or attract wild animals.
- Smoking and noise levels shall not disturb other residents or create any other nuisance.<sup>23</sup>
- Discard all smoking materials matches, butts, etc. in proper containers.
- Holiday decorations must not be placed in common areas.
- Keep driveways clean, free of oil and grease.
- If you will be away for an extended period, cancel newspaper deliveries or ask your neighbor to pick them up.
- When selling, leasing, or renting a unit, one commercially produced industry standard sign and rider may be hung on Grande Boulevard or a unit's cul-de-sac, whichever is appropriate, in accordance with town ordinances and state law. Signs that are not commercially produced are prohibited. No open houses are allowed before 8 a.m. or after 6 p.m.

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<sup>21</sup> CC&R's Article 6.2; Bylaws Article IV, Section 3(i)

<sup>22</sup> CC&R's Article 4.4

<sup>23</sup> CC&R's Article 4.12

## Swimming Pool and Spa<sup>24</sup>

Pool rules are for your safety, protection, enjoyment and well-being, but there is no substitute for caution, common sense and courtesy. Pool and spa facilities are enjoyed at the risk of the user.

### **NO LIFEGUARD IS ON DUTY!**

The Board of Directors, Property Management Company, and other persons employed by the Board of Directors assume no responsibility for unit owners, family members, tenants, and guests who use the pool and spa facilities.

The pool and spa facilities are for the exclusive use of unit owners, family members, tenants, and guests. Unit owners are responsible for their family members, tenants, and guests observing the rules at all times. Pool keys are not to be loaned to non-residents.

Unit owners have the right and responsibility to ask persons who are not following the rules to leave the pool area. Violations may result in penalties or other actions deemed necessary by the Board. Call the Maricopa County Sheriff on trespassers.

The Property Manager requires two weeks' prior notice when you are planning on having a pool party of more than 10 guests.

Please observe all rules that may be listed on the signs in the pool area in addition to the rules on the following page:

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<sup>24</sup> CC&R's Article 6.2; Bylaws Article IV, Section 3(i)

**STATE LAW REQUIRES THAT THE POOL GATES BE LOCKED AT ALL TIMES OTHER THAN FOR ENTRY OR EXIT. PLEASE DO NOT LEAVE THE GATE UNLOCKED.**

Pool hours are from dawn to 10:00 p.m.

Please remove/replace the pool and spa covers completely before/after use.

Wear proper swimming attire. NO children with diapers are allowed in the pool or spa.

Do NOT smoke or vape after entering the pool area inside the pool gate.

Do NOT use glass containers in the pool and spa area.

Do NOT eat food in the pool or spa.

Do NOT leave pool toys, inflatables, etc. in the pool and spa area or inside bathrooms.

Do NOT bring pets in the pool and spa area.

Use common sense – no diving, no running, etc.

Please protect the pool furniture from oils and lotions by using a towel to cover chairs.

Please straighten chairs, clean tables, and dispose of trash before leaving the pool area. Please keep the pool and spa area clean and neat for the next persons to enjoy.

## Vehicles and Parking<sup>25</sup>

- Automobiles, vans, light trucks, and motorcycles may only be parked in garage areas and driveways. Visitors may park in the driveway of their host or in visitor parking areas.
  
- Do not block your neighbor's access to their garage, block their views of the outside scenery, or use their driveway without permission.<sup>26</sup>
  
- RV's, boats, campers, buses, trailers, and trucks larger than 3/4 ton are prohibited in parking areas and driveways except for temporary loading and unloading for up to twenty-four (24) hours, after which the vehicles must be removed from the property.
  
- No power equipment, workshops, or car maintenance is allowed except in enclosed garages.
  
- Automobiles and motorcycles may be washed and cleaned on any driveway. Vehicle washing is not allowed in the pool lot.
  
- Parking in the pool lot is restricted to unit owners, family members, guests, and tenants who are using the pool or spa. No other parking is allowed in the pool lot.
  
- The vehicle owner shall be totally responsible for any vehicle including personal or private property parked upon Association property. The Association shall not be responsible for theft, vandalism, or any damage that may happen to any vehicle.

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<sup>25</sup> CC&R's Articles 4.10 and 6.2; Bylaws Article 4, Section 3(i)

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## Pets<sup>27</sup>

- No animals of any kind shall be raised, bred, or kept in a unit except for common household pets that have a gentle disposition. The Board of Directors reserves the right to demand the removal of a pet that has become a nuisance or health/safety threat following a due process hearing.
- In no event will animals that are vicious, dangerous, venomous, or poisonous be allowed.
- All animals must be registered using the form that is available on the Association website [www.mirageheights.com](http://www.mirageheights.com).
- Excessive numbers of animals will not be allowed. In general, this means a maximum of two dogs, two cats, or one of each.
- Pets that become a nuisance, e.g. barking dogs, shall not be allowed. Pet owners will be required to remove them from the property at their own expense.
- Clean up after your pets immediately, and dispose of the waste in a sanitary manner to trash containers.
- Please review and follow Fountain Hills' city ordinances pertaining to pets.

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## Architectural Controls<sup>28</sup>

- No unit owner shall change the appearance of the common elements, or the exterior appearance of a unit or any other portion of the condominium, without written permission of the Architectural Committee.<sup>29</sup>
- No unit owner shall make structural additions, alterations, or improvements of any kind within a unit without the prior written approval of the Architectural Committee and a structural engineer.<sup>30</sup>
- A unit owner may make improvements, additions, or alterations within a unit that do not impair the structural integrity or mechanical systems or lessen the support of any portion of the condominium.<sup>31</sup> Improvements, additions, or alterations within a unit that are visible from the outside require the prior written approval of the adjoining unit owner.<sup>32</sup>
- No sign, awning, canopy, or shutter will be affixed to or placed upon the exterior of any unit or in common areas.<sup>33</sup>
- No antenna or satellite dish shall be installed in the common elements including the building exteriors. Notwithstanding the foregoing, an antenna or satellite dish that is one (1) meter or less in diameter may be installed on a private patio or adjoining a unit, so long as such antenna or satellite dish does not extend beyond the patio or balcony.<sup>34</sup>
- Do not paint, stain, or otherwise change the exterior color scheme of any structure.
- Do not paint, repair, maintain, alter, or modify any exterior wall, railing, exterior door surface, roof, or any installation of the common area.

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<sup>28</sup> CC&R's Articles 6.2 and 6.3; Bylaws Article IV, Section 3(i)

<sup>29</sup> A.R.S. §33-1221

<sup>30</sup> CC&R's 4.3; A.R.S. §33-1221

<sup>31</sup> CC&R's 4.3; A.R.S. §33-1221

<sup>32</sup> CC&R's Article 4.3

<sup>33</sup> CC&R's Article 4.1

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- Screen doors may be purchased and installed at the unit owner's expense. The doors must be black or dark brown in color; shall be made of metal; shall have a door closer; and must conform to existing screen doors on the property. Screen door maintenance is the unit owner's responsibility.
- Glass enclosed patios, also known as Arizona Rooms, require the prior written approval of the Architectural Committee and must conform to existing glass enclosed patios on the property. The unit owner is responsible for maintaining the glass enclosed patio's interior and glass.

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## **Conclusion**

These rules and regulations are not exhaustive, but are examples of the type of conduct that we expect of unit owners, family members, tenants, and guests while living in the community.

To try to list all activities that may be prohibited is not possible.

We as a community should expect that all of us will behave as good neighbors that use common sense in such a living arrangement.

The intention of these rules and regulations is to enable unit owners to enjoy their property and the amenities that are available for all of you.

All the rules and regulations listed here may be changed or added to at any time by the Board of Directors with due notice.

Any consents or waivers granted under these rules and regulations may be revoked.

The Board of Directors' failure to enforce a rule or regulation at any time shall in no way be construed as a waiver of such rule or regulation in any case.

Actual receipt of this document or its publication on the Mirage Heights Home Owner Association's website ([www.mirageheights.com](http://www.mirageheights.com)) shall constitute formal notice. No additional warnings will be given.