

**D'ARCY RANCH OWNERS ASSOCIATION RULES AND REGULATIONS**

ADOPTED JANUARY 27, 1998

REVISED JULY 31, 2000

REVISED NOVEMBER 10, 2011 EFFECTIVE 1/1/2012

[www.darcyranchhoa.com](http://www.darcyranchhoa.com)

The following Rules and Regulations clarify, and are in addition to the governing D'Arcy Ranch Covenants, Codes, and Restrictions "CC&R", Bylaws, Articles of Incorporation and other rules (collectively the "Rules"). They are intended to promote the quality of life in the neighborhood, maintain and increase property values, and provide homeowners guidance to minimize misunderstandings over the Rules. The reference to the CC&R's are provided so that homeowners can easily research which part of the documents the rules were written from. Only the main reference is listed. There may be other sections of the documents, which the rules pertain to. These are not the CC&R's

**I. LANDSCAPING & OTHER EXTERIOR CHANGES (Section 14, pages 28-30)**

In accordance with the governing Covenants, Codes and Restrictions, any improvements or modifications of any kind Visible from Neighboring Property Must (except as provided below) be pre-approved by the Architectural Review Committee (ARC) or the Board of Directors and may require approval of all adjacent neighboring owners where it is visible. Homeowners may submit proposed changes to the Committee using the form obtained from the web at [www.darcyranchhoa.com](http://www.darcyranchhoa.com) or the management company.

**A. FRONT YARD LANDSCAPING**

All new or modified front yard landscaping shall require approval of the Architectural Review Committee and must conform to the following general guidelines:

- 1) All required landscaped areas shall be occupied by plant material or groundcover. All bare earth surfaces must be covered.
- 2) Groundcover may be of two types:
  - a) Vegetative groundcover consisting of living plant materials characterized by horizontal, as well as vertical growth.
  - b) Inert groundcover consisting of 1 inch or less decomposed granite or other natural, earth tone rock, with accent of river run rock.
    - (1) No artificially colored rock shall be allowed (e.g., no blue, white, green, etc.)
    - (2) Artificial turf shall be allowed with prior approval. Samples with product name and manufacturer shall be submitted with the application prior to approval or installation. The turf shall be installed and maintained in a professional manner. If the turf is not maintained the board may require repair or removal.
    - (3) Berms are encouraged to add interest to the landscaping.
    - (4) Hardscape accents, such as Saltillo tile and brick pavers, will be permitted if colors are compatible with the community such as desert hues and other earth tones, including muted reds and oranges.

"Visible from Neighboring Property" is defined in the CC&R's and means generally visible by a normal person from any other point in the development or that person's home, front or back. Objects not Visible from Neighboring Property generally do not require the approval of the Architectural Review Committee. Section 1, definitions: 1.31 page 5.

**B. REAR YARD LANDSCAPING**

New or modified rear yard landscaping shall not, unless otherwise specified, require approval of the Architectural Review Committee if it conforms to the following general guidelines:

1. Irrigation systems must be directed away from walls to eliminate staining and draining onto other properties. Section 12, 12.1-12.3 pages 26 & 27.
2. Children's play area equipment must be located a minimum of six (6) feet from any rear or side yard wall. Any such equipment that is Visible from Neighboring Property may not exceed the wall height by more than two (2) feet. Any such equipment that is Visible from Neighboring Property shall require approval of the Architectural Review Committee and signed approval of all adjacent neighboring owners where it is visible..
3. Non-deciduous trees are encouraged for rear yards. Trees shall be placed in locations which will not encroach upon other lots.
4. Rear yard, front yard, side yard and security lighting (No spotlights, floodlights, or high intensity lighting) shall not cause excessive glare or excessive light spillage onto adjacent lots, streets or common areas. Lighting Visible from Neighboring Property (other than originally installed by the builder) shall require the approval of the Architectural Committee. Section 17.9 page 33.
5. Storage sheds Visible from Neighboring Property shall require approval from the Architectural Committee and signed approval of all adjacent neighboring owners where it is visible. Approval will be based on the type, style and size, and location of the shed. Sheds shall be constructed and maintained to blend into the surrounding area. Sheds will also be required to meet the City of Chandler code and compliance rules.

**C. POOLS AND SPAS**

Pools and spas placed in rear yards will not require approval if constructed within the following general guidelines:

1. Any walls removed during construction shall be walls contained on the Owner's lot. Removal of walls abutting a common area shall require prior Architectural Committee approval. Any wall removed shall be placed in its original state immediately after construction is completed.
2. Ancillary components of pools and spas (slides, gazebos etc.) shall not be Visible from Neighboring Property without prior written approval of the Architectural Review Committee and signed approval all adjacent neighboring owners where it is visible.
3. Backwashing and draining of pools must be conducted in accordance with Chandler City ordinance. Backwashing and draining of pools shall not be allowed into the street, common areas or adjacent lots.

**D. FRONT YARD GRASS**

Front yard grass Visible from Neighboring Property must be kept green year round unless it is determined by the city or the BOD that due to environmental conditions we not use water resources. This requires over seeding, which must be completed by November 15, if it goes dormant during winter months. Notice of whether over seeding is required or not, will be provided via newsletter and/or the community web site. Owners may also contact the management company to determine if over seeding is required.

**E. SECURITY DOORS**

Security doors constructed of wrought iron and painted either (1) the same color as the house or trim, or (2) the same color as the window frames shall be allowed. Screen doors constructed of any other material shall not be allowed without the prior written approval of the Architectural Review Committee. Other colors may be allowed if first approved by the Architectural Review Committee.

**F. WALLS**

No wall changes shall be allowed without the prior written approval of the Architectural Review Committee, in addition to City approval (If required). A fine may be assessed for any changes made to walls without prior approval of the Architectural Committee.

**G. REPAINTING OF HOMES AND WALLS**

Homes may be repainted in the same color and style as the original home without first obtaining approval from the Architectural Review Committee. Homeowners may propose changing the trim color, or changing the color of the home to an approved color (see web-site), but must obtain the prior written approval of the Architectural Review Committee before changing the home's colors. Color changes may not mirror a neighboring property. Homes painted with a non-approved color or no prior ARC approval may be required to repaint.

**H. GATES**

All gates shall remain the natural wood color originally installed unless a change is approved by the ARC.

**I. GUTTERS AND DOWNSPOUTS**

Gutters and downspouts shall be allowed if they are white or painted to match the color of the house or trim.

**II. SIGNS AND BASKETBALL STANDARDS**

**A. SIGNS ON LOTS**

1. One (1 each) "For Sale" or "For Rent" or "For Lease" or "Open House" sign may be erected on a Lot by a professional residential brokerage company without the approval of the Architectural Review Committee.
2. One (1 each) 18" x 24" maximum "For Sale" or "For Rent" or "For Lease" sign, which has been commercially produced, may be erected on a lot without the approval of the Architectural Review Committee; provided, however, that the Architectural Review Committee shall reserve the right to request reasonable modifications to such signs if deemed appropriate.
3. All other signs shall, except as provided by law, require the prior written approval of the Architectural Review Committee.
4. Garage sales will be limited to once a month and a sign may be posted only on the day of the sale and removed afterwards. Signs must have homeowners address or it may be removed. Signs shall not be put on city poles or it may be removed without notice (city ordinance).
5. Political signs are limited to a maximum aggregate total dimensions of all political signs on a member's property shall not exceed 9 square feet.(33-1808; Version 4) or city law and prohibit the display of political signs earlier than 45 days before the day of an election and later than 7 days after an election day. Eff. 1/1/12
6. Flagpoles (A.R.S. 33-1808C) shall be allowed with a maximum height of the rooftop of the member's home and placed on the property so that no part of a flag will overhang neighboring property or common areas. The flagpole may be in the front yard or back yard and fly no more than 2 flags at one time.

## **B. SIGNS IN THE COMMON AREAS**

Owner may erect "Open House" signs in common areas in accordance with following rules:

1. "Open House" signs placed by a professional residential brokerage company shall not require Architectural Review Committee approval. "Open House" signs which have been purchased or homemade by an owner may be erected in common areas without the approval of the Architectural Review Committee; provided, however, that the Architectural Review Committee reserves the right to request reasonable modifications to such signs if deemed appropriate.
2. All signage erected must be placed no sooner than sunrise and be removed no later than sunset.
3. No political signs on common areas.

## **C. BASKETBALL STANDARDS**

Portable and permanent basketball hoops are permitted in the subdivision. Portable basketball units must be kept off the street and may not encroach on common areas or may not overhang sidewalk or be placed in a way to cause a ball to hit a neighboring house. No basketball hoops may be installed on or over the garage or any other part of the house.

## **III. MISCELLANEOUS**

### **A. GARBAGE AND RECYCLE CONTAINERS**

Garbage and recycle containers must be stored so as not to be Visible from Neighboring Property. Acceptable times for such containers to be out for collection are after 5:00pm on the day before collection until 9:00am the day after collection. The containers must be stored behind the gate or in the garage. Containers must have covers and wheels maintained and repaired when needed.

### **B. HOSES**

Hoses visible from Neighboring Property must be properly stored after use.

### **C. DRIVEWAYS**

Driveways should be maintained to be free from excessive wear.

### **D. LONG-TERM PARKING**

1. Long-term parking of immobile vehicles is prohibited.
2. Parking of Boats and RV's (section 17.8 page 33)  
Except as specifically permitted by the Board,(a) no boats, trailers; motor homes, campers, trucks classed by manufacturer capacity rating as exceeding 3/4 ton, or unlicensed or inoperative vehicles shall be parked or stored in or upon any Lot or Tract the Common Area. or the public streets of D'Arcy Ranch, other than temporary parking on a Lot, Tract or the adjacent street for purposes of loading or unloading; and (b) no vehicle shall be repaired or rebuilt in any Lot or upon the Common Areas or the public streets of D'Arcy Ranch.

### **E. INTERPRETATION**

The Board reserves the right to interpret these Rules and Regulations, and such interpretation shall be final and binding on Homeowners or others subject to these Rules and Regulations. Pursuant to § 14.6 of the CC&R's, any interpretation of these Rules and Regulations, or approval by the Architectural Review Committee, shall not be deemed to constitute waiver or any right to withhold approval of any similar plan, drawing, specification, or matter of interpretation submitted to the Board or Architectural Review Committee.

### **F. VANDALISM**

There will be a \$250.00 assessment plus all repair costs to the homeowner for any identified vandalism of any kind to common areas.

**G. Landscape along sidewalks**

All homeowners will be responsible for keeping all vegetation from encroaching over the sidewalk and reducing any pedestrian traffic space. Sidewalk must be maintained clear with no obstructions from homeowners. Chapter 30 of the Chandler Municipal Codes.

**H. Pet Waste**

All homeowners or guests must pick up all solid pet waste in HOA common areas or upon another homeowners property immediately and dispose of properly.

**I. Recording an Open Meeting (Video or Audio)**

Pursuant to Arizona law A.R.S. 33-1804 / Condo A.R.S. 33-1248 owners attending open board Meetings are allowed to tape and/or video record a meeting, subject to reasonable rules and regulations adopted by the board.

1. Any owner intending to tape or video record a meeting must first provide the association written notice 24 hours prior to the start of the meeting;
2. In order to prevent interruptions, all recording equipment must be in position 15 minutes prior to the start of the meeting;
3. Any recording equipment must not produce sound or distracting light emissions;
4. All owners utilizing recording equipment must set up the recording equipment in the place the designated by association;
5. All recording equipment is the responsibility of the owner, the association is not obligated to provide equipment;
6. If any recording equipment fails, the association will not stop the meeting while the equipment is reset;
7. Any owner recording a meeting must provide the association an unabridged copy of the recording within ten (10) days after the meeting;
8. Any recording shall not be disseminated to members outside of the association without the written consent of the board;
9. No recording of a meeting shall be posted, or otherwise made available on the internet, without the written consent of the board;
10. A non-member is prohibited from recording the meeting without the prior written request and approval by the board;
11. We require a homeowner to sign an acknowledgment form prior to recording a meeting.
  - a) A recording of a meeting is not the official record of the meeting, the approved meeting minutes are the official record of the meeting;
  - b) The association does not make any representations as to the authenticity of the recording;
  - c) Any recording shall not be disseminated to members outside of the association without the written consent of the board; and
  - d) All rules and regulations adopted by the association will be adhered to during the recording of the meeting.

#### **IV. FINES**

Homeowners will be warned once of any Rules violation (the "First Warning"). If a homeowner commits the same Rules violation within one hundred eighty (180) days of the First Warning, the Homeowner will receive a notice of violation and have the opportunity to address the violation at the next scheduled Board meeting. The Homeowner may provide the association with a written response by sending the response by certified mail within ten business days after the date of the notice. The response shall be sent to the address contained in the notice or in the recorded notice prescribed by section 33-1807, subsection J. Within ten business days after receipt of the certified mail containing the response from the member, the association shall respond to the member with a written explanation regarding the notice A.R.S. 33-1803C

In the absence of good cause, the Board will assess fines for Rules violations pursuant to the Following schedule:

##### **First Notice (Warning):**

A letter will be sent to the Owner of the property outlining the violation. In the event that the Owner of the property can be identified as an absentee Owner, a copy of the violation letter will also be sent to the tenant at the property address. The Owner will be given fourteen (14) calendar days to bring the violation into compliance.

##### **Second Notice- Initial Monetary Penalty:**

The Association will issue a second Notice if, after not less than fourteen (14) calendar days from the issuance of the first Notice, the Owner has not corrected or removed (or has chosen not to correct or remove) the non-monetary violation or the violation has repeated or returned. The second Notice will inform the Owner that a monetary penalty, not exceeding the Maximum Initial Monetary Penalty (as established on the Schedule of Penalties), has been imposed for the violation and the Association has assessed a maximum initial monetary penalty.

##### **Third Notice and Assessment of Additional Monetary Penalty:**

The Association will assess a Maximum Additional Monetary Penalty if the Owner has not corrected or removed (or has chosen not to correct or remove) the violation or the violation has repeated or returned as stated in the time frames in the first and second Notice.

##### **Additional Monetary Penalty:**

After the imposition of the Maximum Initial Monetary Penalty, the full amount of the Additional Monetary Penalty may be imposed upon subsequent inspections if the Owner has not corrected or removed (or has chosen not to correct or remove) the violation or the violation is repeated or has returned. Inspections will be conducted to coincide with the terms of the notices. Continuing violations will be checked every 14days. The homeowner will be assessed in additional \$25.00 every 14days until the violation is corrected.

\*Should a period of time of at least one hundred eighty (180) days lapse between violations letters of the same offense, the next letter will be a First Notice again. Second or subsequent violation is a violation of the same rule or rules that occurs within one hundred eighty (180) days of receiving a previous violation. Violations notices that provide indication of a monetary penalty being assessed will be sent via regular mail and certified mail. The Homeowner will be responsible for the certify mail processing fee.

##### **Exception to Notice Procedure**

Violations posing a threat to the health, safety, and welfare of the community as a whole or any one or more other Owners may require immediate action and thus create exceptions to the foregoing notice provisions. Examples of health, safety, and welfare violations include, but at not limited to, the following: accumulation of trash and/or other materials that may attract pests; threat of flood or fire damage to neighboring properties; an escaped pet; or a collapsed structure or tree blocking the road or drivers' lines of vision.

##### **Right of Self-Help**

The Association has the right (but not the obligation) to enter the Owner's property and to provide all maintenance and repairs that are necessary to remove the violation. Entry by the Association and any of its agents is not an actionable trespass. The Association may assess the Owner for the costs of all maintenance and repairs performed by the Association.

**V. ASSESSMENT** Any homeowner who is two or more months delinquent in any monies (dues and or fines) owed to the Association will have a lien placed on their property.

No notices for late dues will be sent.