

## **VILLA CATALINA APPROVED RULES & REGULATIONS**

For over fifty years, the residents of the Villa Catalina Apartment Homes (“the Villa”) have enjoyed a well-maintained complex that provides a pleasant and attractive atmosphere. The Board of Directors of the Villa Catalina Homeowner’s Association ( the “Association) has overseen property management with the goal of protecting residents’ privacy and providing freedom from excessive noise and other disturbances. The following Rules are meant to allow all persons residing at the Villa, including owners, renters, or visitors, to enjoy their time here, and to not impose on their neighbors and/or have their own peace and quiet disturbed.

### **1. Age Restriction:**

- a. The Villa is an age-restricted community in accordance with the Federal and State Fair Housing Acts: all persons residing at the Villa must be no younger than eighteen years old, and at least one person residing in the Apartment must be at least fifty-five years old, whether they are owners, renters, or guests using an Apartment (when an owner is not present)(see CC&R’s Article III, Section1(a) (2)).

### **2. Pets**

- a. In compliance with requirements of the Fair Housing Act, a resident may own a service or companion animal if a medical professional has indicated a need and the Board has been given written verification.
- b. Board approved service and companion animals must have an annual examination and all appropriate vaccinations by a licensed veterinarian. Written verification must be made available to the Board, if asked.
- c. Service and companion animals must wear a tag identifying their owner and address or phone number and any up-to-date vaccination tags.
- d. No animal shall be allowed in any indoor or outdoor general common element area, except for the limited purpose of physically assisting the animal’s owner. No animal is permitted to roam free (CC&R’s Article I, Sec. 8).
- e. Owners of service or companion animals are responsible for clean-up after an animal. They must dispose of animal waste in plastic bags in the Villa dumpster, not in individual trash containers.

### 3. **Remodeling and Alterations to Apartments**

- a) Alterations to an Apartment that change the appearance of the outside of the building and /or patio are prohibited without prior written approval of the Board of Directors.
- b) Interior structural changes and mechanical changes and alterations, additions or modifications to the Apartment's plumbing and/or electrical wiring located within the Apartment and/or in the attic must receive prior approval by the Board. A City of Tucson Building Permit with City inspections must be obtained and all structural, electrical, and plumbing work must be accomplished by an Arizona Licensed Contractor.
- c) Owners are required to complete and sign the "Villa Catalina Architectural Review Form and Agreement" and to agree to hold the Association harmless for any future maintenance, repairs and/or replacements of the modified portions of the Apartment.
- d) Owners are encouraged to consult with the ARC (Architectural Review Committee) before beginning remodeling.

### 4. **Interior Decorating**

- a) Interior decoration including window coverings should not be intrusive to the neighbors or modify the exterior of the building.
- b) Installation of hard surface flooring in a second floor Apartment, other than in the kitchens, bathrooms, and closets, is prohibited by the Villa's CC&R's (Article III, Section 3(a)). Extra thick carpet padding is encouraged to minimize sound transmission.

### 5. **Doors & Windows**

- a) Replacement of exterior doors and windows must be approved by the ARC and the Board. Exterior front doors must be replaced with the standard Villa door which is a flat surface without a window. Exterior kitchen doors must have a flat surface and must have a large window without mullions in the top half. The window may either open or be stationary.
- b) Iron security doors and window guards are permitted, but they must be pre-approved by the Board, painted the standard Villa Catalina aqua (Dunn Edwards SKU #13-2091-12) and consist of vertical bars with no design.

- c) Replacement of exterior door screens and window screens must be pre-approved by the Board and be of the color and material to match existing screens.
- d) Rear patio security railings and matching metal garden gates are permitted only in historically designated secondary areas (rear patios adjacent to the south driveway and the west service drive) and must be pre-approved by the Board.

**6. Installation of Washers and Dryers**

- a) Installation of a washer and/or dryer in a Villa apartment must be pre-approved by the Board.
- b) The owner must obtain appropriate City of Tucson electrical, plumbing, and structural permits with City inspections. All work must be conducted by an Arizona Licensed Contractor.
- c) Owners are required to complete and sign "Villa Catalina Architectural Review Form and Agreement" which may be obtained with detailed instructions from Management.
- d) Owners shall install hi-efficiency machines with steel braid reinforced hoses.
- e) Dryers are to be vented to the outside and the location of the dryer vent must be approved by the ARC and Board.
- f) Noncompliant washer/dryer installations are to be removed or brought up to code compliance when Apartments are sold or transferred.

**7. Auxiliary Air Conditioning Units**

- a) Installation of additional auxiliary air-conditioning units that are visible outside the Apartment are prohibited.
- b) Owners of the Apartments that already have these units are permitted to keep them, but are encouraged not to use them due to their high use of and the cost of energy.
- c) At the time of sale or transfer the auxiliary air conditioning units must be removed and the exterior brick and interior wall board will be replaced by the Association.

## 8. **Use of Patios, Patio Walls & Balconies**

- a) No items may be placed on or attached to balcony railings or displayed on top of the ground floor patio walls. Decorative items may not be attached to the exterior walls of buildings without prior written Architectural Review Committee (ARC) and Board approval. This includes such items as metal art works, clocks, thermometers, pots, planters, statuary and the like. Laundry, wet bathing suits, towels, etc. may not be displayed, attached or hung on the balconies, stair railings or on first floor patio walls. Upon sale/transfer of an apartment, any art works or items on exterior walls shall be removed.
- b) Holiday decorations are permitted to be displayed on patios and patio railings up to 30 days prior to a holiday and must be removed no later than 15 days after the date of the holiday.
- c) Items that are designed to attract birds, such as bird feeders and bird baths are not permitted to be placed on patios and/or balconies.
- d) Appliances (upright refrigerators/freezers) and/or furniture items that are intended for indoor use are not permitted to be placed and/or stored on patios or balconies.
- e) Unsightly items such as trash, brooms, mops, empty bottles, paper and other items for recycling, dead plants, boxes, etc. should be removed from patios, porches, and all other areas where they are visible to neighbors or from the street or driveways.
- f) Patio and balcony floors may be painted or tiled with neutral colors. An ARC request must be submitted and approved before installation or replacement.
- g) Owners with patios that are located directly above garages, and use the garage roofs as the patio's deck are prohibited from applying any covering to their patio floors. These decks are coated with a roof sealing product, and covering the deck voids the manufacturer's warranty.
- h) Owners with a patio are not permitted to plant trees or shrubs that are shaped into trees in their patios. Mature plant height can be no higher than 8 ft. (the height of patio ceilings). Any patio plants that grow outside a patio wall or railing are to be trimmed by the owner or the plants shall be trimmed by the Villa's landscape crew.

9. **Patio/Balcony Barbeques**

- a) In accordance with the Tucson Fire Code Sections 307 and 3809, charcoal burners and other open-flame cooking devices are not permitted on Apartment 2nd floor balconies, 2nd floor landings, and other similar places. Apartments with walled patios may use these devices. All Apartments may use electric cooking devices on their patios or balconies.

10. **Apartment Sale**

- a) The Villa's Manager must be notified of intent to sell an apartment. Failure to notify the Management may delay final sale.
- b) Except for the Villa's specific age and pet restrictions, the Villa has no restrictions regarding the sale of an apartment. An owner may sell his/her apartment with or without an agent (CC&R's Article III, Section 3(e)).
- c) Upon written request, the Manager will provide the new owners with a complete set of the Association's documents, including Articles of Incorporation; Bylaws; CC&R's and Rules and Regulations prior to closing.
- d) When a property is sold, a Management Transfer Fee is included as an item in the "Escrow Closing Costs".
- e) All new owners are required to have an HOA Orientation meeting prior to closing to review Association legal documents.
- f) Since the Board has the right to enter an apartment with notice (CC&R's Article III, Section F(3) paragraph 2), the Board may hire someone to complete an inspection of an Apartment at time of listing prior to sale to determine if there are any non-compliant issues that need to be resolved before sale of the Apartment. If a listing has been sold with noncompliant issues (especially structural, electrical and plumbing), it will be the duty of the buyer to remedy these issues.
- g) All owners are encouraged to purchase personal property and liability insurance for their Apartment.

## 11. **Apartment Lease**

- a) The Villa's Manager must be notified of intent to lease an Apartment and the form of lease agreement must be in accordance with the CC& R's (Article III, Section 1(a)(1)).
- b) A lease agreement must be for a period of no more than one year and no less than 90 days. All the Villas Rules & Regulations, including age and pet restrictions, apply to all lease occupants.
- c) All new tenants are required to contact the Management prior to occupying a Villa apartment for an HOA Orientation meeting.
- d) Apartments for lease will be limited to 10 % (i.e. 8) Apartments and the number of rentals will be monitored by Management.

## 12. **Signs Posted by Residents**

- a) One "For Sale, For Lease, or For Rent" sign is permitted to be displayed from one window inside the apartment. The sign must not exceed 18 inches X 24 inches in size.
- b) Signs are not permitted to be attached to the railings, doors, buildings, or patio walls and gates.
- c) Temporary signs for "Open House" or "Estate Sale" that are no larger than 18 inches X 24 inches are permitted to be displayed for up to 6 hours per day, and shall not be attached to railings, doors, buildings, patio walls, or gates.
- d) One (1) political sign (not to exceed 24 inches X 24 inches) is permitted to be displayed from one window inside the apartment. The sign shall not be displayed earlier than 45 days before the day of the election and later than 7 days after election day.

## 13. **Electricity and Water Use**

- a) Residents should make every effort to conserve their use of water (e.g. with low water use toilets) and electricity (i.e. purchase energy efficient appliances).

## 14. **Phone, TV, Cable, and Satellite Dishes**

- a) Placing of new TV and phone cables on outside of an Apartment building must have the ARC and Board's prior approval. All cable must be encased in conduit at owner's expense and may not cross a neighbor's patio or balcony.
- b) Placement of satellite dishes is allowed only on rear patios and balconies, and must have the Board's prior approval. The dish must be free standing and low to the ground and not attached to the building.
- c) Only two cable drop entries from the exterior are allowed for each Apartment.

15. **Second Floor Interior Stairwells and Inclinators**

- a) The second floor apartment owners, two for each building are responsible for their building's interior stairwell to include floor covering, paint, light bulbs, hand rail, and the maintenance and repair of their building's inclinator.

16. **Shower Floor Pan**

- a) If the shower floor pan is above the floor grade, the owner is responsible for any damages caused to another Apartment because of an improperly maintained shower floor pan that may cause leaks and other problems.

17. **Recycle Trash**

- a) All residents are encouraged to separate their trash according to the Tucson (Pima County) guidelines for recycling of plastics, paper, metal, cardboard, and glass.
- b) Recycle receptacles are located at the east and west ends of the garage driveway.

18. **Smoke Detectors and Fire Extinguishers**

- a) It is recommended that each Apartment has operational smoke detectors and fire extinguishers.

19. **Garages and Parking Lot**

- a) Resident and guest parking, other than loading and unloading, is prohibited at all times in the garage driveway.

- b) Guests must park in the east parking lot or in the marked parking places along 6th Street.
- c) Contractors and service personnel may park in the driveway near the Apartment where they are working.
- d) Maximum speed limit in the garage driveway and parking lot is 10 MPH; however, slower than 10 MPH is recommended.
- e) Garage spaces are assigned and deeded to the Villa's apartment owners.
- f) Storage of items that may interfere with another owner's garage space is prohibited. Storage of hazardous substances as listed by Fire Dept. and city codes is prohibited.
- g) Maintenance of the assigned garage door and garage opener is the responsibility of the garage's owner(s).

20. **Use of Villa's Grounds, Tables, Chairs, Barbecues, Shuffleboards, and Putting Green**

- a) The Villa's grass is not to be used for walking animals.
- b) The tables, chairs, barbecues, shuffleboard courts, and putting green are for the use by the Villa's residents and their guests.
- c) When using the facilities, guests should always be accompanied by a Villa resident.
- d) No breakable items like glass or ceramics are to be used in these areas.
- e) When residents are finished using a recreational facility, the area should be free of debris, shuffleboard equipment returned to the storage bins, and barbecue grills and the fire pan cleaned.

21. **Swimming Pools**

- a) Swimming hours are from 5:30 AM to 10:30 PM.
- b) The east pool water is maintained at 88 degrees; the west pool is not heated.
- c) All guests under the age of 18 must be accompanied at the pool at all times by the owner/resident or a parent/guardian.



- d) Food, chewing gum, and glass are not allowed within the pool fences area at any time.
- e) Pool toys and inflatable lounges are permitted, but must be removed when leaving the pool area.
- f) Table umbrellas must be collapsed (to protect against wind damage) before leaving the pool area.
- g) It is a safety requirement that the pool area gates must be closed and locked at all times.
- h) Horseplay in and around the pools, such as running, jumping, ducking, yelling, and diving are prohibited at all times.
- i) Diapered babies in the pools must have adequate protection against contaminating the water.

22. **Laundry Facilities**

- a. The east & west laundry are open for use from 7 a.m. to 10 p.m. for Villa Catalina residents and their guests.
- b. Each Apartment shall have 2 hours of laundry room time per week that may be scheduled on the board in each laundry room and should be honored by all users.
- c. Unreserved time and Sunday use of the laundry are on a first come/first use basis.
- d. Washers may not be used for dyeing or tinting fabrics.
- e. Any malfunction of equipment should be brought to the attention of Maintenance (808-9335) or Management (855-333-5149).
- f. Maintenance and Management will schedule regular cleaning of the facility with special attention to lint buildup in the vents going to the exterior.
- g. Prior to leaving the laundry, users must make sure that the room is clean, the interior of washers & dryers is clean, machine lint screens are cleaned out, any lights, fans, and/or air conditioning turned off, and the door locked.

23. **Enforcement of the rules and Issue Resolution Process**

- a. If a resident has been alleged to be in violation of any association regulatory documents, the Board will, in executive session, determine if there is probable cause to believe the alleged violation occurred (CCR's Article XI, Sec. 2).
- b) The Board shall seek by informal means to find a satisfactory solution to the alleged problem. The Manager will notify the homeowner of the alleged violation through a personal communication which can be a conversation (in person or by telephone) or informal letter. The Manager will confirm this has been done with the Board.
- c. Residents found to be in violation of a Villa Catalina rule or restriction will be notified in writing by the Board, with an "Out of Compliance Notice," and will be given a reasonable time period to comply as stated in the procedure below.
- d. 1st Letter of Non-compliance: This notice will be mailed to an owner deemed to be in non-compliance, citing the particular item of non-compliance and asking for a written response within 14 days from the date of the non-compliance notice.
- e. 2nd Letter of Non-compliance: If the non-compliance issue remains unresolved; a second notice will be sent 15 days from the date of the first notice, giving notice of right to appeal and final deadline for voluntary compliance.
- f. 3rd Letter of Non-compliance: If the non-compliance issue remains unresolved to this point, a notice of imposition of a fine shall be sent, stating the timeline and amount of the fine, and outlining legal procedure options. The fine established by the Board of Directors for each offense shall be set at \$20.00 per day per offense, commencing on the day following the appeals hearing, and continuing until compliance is verified.
- g. If the owner does not remedy the non-compliance, the Association reserves the right to turn the matter over to the Association's attorney for enforcement action at any time after the first notice to the owner by the Association. The Board or homeowner (at the homeowner's expense) may initiate arbitration as set forth in Article XI, Section 3(c) on page 65f of the CC&R's.
- h. If the owner disagrees with the Board's proposed resolution of the issue, he/she may file a request for an Administrative Hearing before an

(HOA administrative law judge. There is a fee to file for a hearing for a single issue or a larger fee for multiple issues, which is charged to the party Board or the resident) that is found at fault through this process. For more information, call the Arizona Dept. of Building, Fire and Life Safety at 628-6920, or via the internet: [www.dafs.state.az.us](http://www.dafs.state.az.us).

24. **General Common Areas**

- a) Residents are not to remove, add or change items in common areas without Board approval. Items, like plantings, previously added without Board approval, may be removed by Board action when the resident moves or ceases to care for these items.

Adopted by the Villa Catalina Board of Directors  
January 22, 2015