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RULES
for
CREEKSIDE HOMEOWNERS ASSOCIATION INC.

ARTICLE I
COMMUNITY ANNOUNCEMENTS

1.1 Notices of official Creekside business will be posted in the kiosk south of the pool.

1.2 Residents may also post notices relevant to Creekside community activities in the kiosk. Contact the association manager to request permission to post a notice. The Board will review the request and post if approved.

ARTICLE II
SOLICITING

2.1 Signs indicating *No Soliciting* are posted at the three Creekside entrance streets. If someone comes to your door selling or soliciting any product or service, you may refer them to the posted signs, and ask them to leave the neighborhood.

ARTICLE III
FEES

3.1 The Creekside Homeowners Association Inc. will charge the following fees for conducting the business of the Association.

<u>Section</u>	<u>Transaction</u>	<u>Fee</u>
	Replacement Pool Key Fee	\$ 75

Pool keys are limited to one free key per residence. Replacement pool key fees are non-refundable. Homeowners are expected to transfer the pool key to the new owner when they sell their home. Pool keys are distributed by Advanced Lock & Key, 4160 N 1st Ave., 293-4613. Advance notice to the management company is required to authorize the locksmith to release a key. Homeowner's must provide advance authorization in writing to release a key to their tenants. You must show ID and sign for the key at time of pick up.

	Copy of Community Documents; per page	\$.15
2.14	Sales of Lots (Transaction Fee)	\$250.00
3.1	Review of Plans by Independent Architect	\$150.00
9.9	Returned Check	Current bank charges
9.9 et seq	Late Fees	\$ 15.00

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**ARTICLE IV
PARKING**

4 **4.1** The Board of Directors is granted permission to adopt and publish Rules and
5 Regulations pertaining to parking and storage of vehicles in Section 2.16 of the Declaration, and
6 section 4.15 of the Bylaws. Parking on Creekside streets and Fire Lanes is not permitted at any
7 time. The storage or parking of any recreational (including boats) or commercial vehicle is
8 prohibited on Creekside streets except in the carport or garage of a Creekside homeowner. When
9 parking violations are identified, the following procedures will be utilized:

- 10 • Streets marked with Fire Lane Signs are Cave Creek, Catalina, Oakbury Circle,
11 Nandina and parts of Bullrush and Haven Lane. Any homeowner or tenant may
12 report parking violations to one of the three following agencies; advising them
13 that there is a vehicle parked in a fire lane access street. Vehicles may be ticketed
14 by any of the three following organizations:
15 Transportation Department/Parkwise at 791-5071;
16 Tucson Fire Department at 791-4502; or
17 Tucson Police Department at 791-4444
18 Vehicles may be towed by calling Midnight Tow at 795-3295.
- 19 • Streets not identified as Fire Lane Access include Briarwood, Brookhaven,
20 Caladium, Charter Oak, Dianthus Place, Kleindale, and parts of Bullrush and
21 Haven Lane. Any homeowner or tenant may report **parking violations to the**
22 following tow company: Midnight Tow at 795-3295.
- 23 • Long term parking or storing of vehicles in the visitor's parking sections is
24 prohibited. Vehicles that have been left unattended will be noticed and subject to
25 removal. Please report violations to the management company.
- 26 • The Board has authorized a towing company to comes out randomly to check for
27 **vehicles parked on the streets. The company is not limited to coming only when**
28 **management** or the board calls. Vehicles are subject to being towed and stored
29 without notice, and at the vehicle owner's expense. This would apply if the
30 vehicle belongs to the homeowner or a guest of the homeowner.

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**ARTICLE V
ARCHITECTURAL REVIEW**

36 **5.1** Restrictions pertaining to improvements or changes to any Dwelling Unit are
37 described in Sections 3.06 of the Declaration. When an Owner requests permission to construct
38 improvements or changes on the Lot, the following procedures will be utilized:

- 39 • The initial submittal shall be delivered directly to the community management
40 company.
- 41 • The Board or the appointed Architectural Control Committee (ACC) will review
42 the proposed improvements or Change. They may approve, approve with
43 conditions, disapprove, request additional information, request the board review
44 or return the entire submittal to the Owner if it is incomplete in any way.
45

1 Response to homeowner must be in writing and be within thirty (30) days of
2 receipt of submittal.

- 3 • Decisions of the Board or the ACC may be based on purely aesthetic
4 considerations. Each Owner acknowledges that opinions on aesthetic matters are
5 subjective and may vary as members of the Board or the ACC change over time.
6 The Board or the ACC may, but is not required to, solicit the opinions of the
7 adjacent property owners, but in all cases will make its own independent review
8 I of the plans and its own decision.
- 9 • Complex Submittal Requiring Independent Architect Opinion:
- 10 • The Board or the ACC may also refer the submittal to an independent architect for
11 review, if the proposed Improvements are sufficiently complex to require
12 professional expertise for a fair and thorough review.
- 13 • If the Board refers the submittal to an independent architect, the Board will
14 promptly advise the Homeowner of its decision. The Homeowner will be
15 required to pay a fee, as described in Article III of these Rules. A check for the
16 entire fee, made out to the independent architect, must be delivered to the Board
17 prior to the Board forwarding the submittal to the independent architect.
- 18 • If the Board refers the submittal to an independent architect, the architect shall
19 make a recommendation to the Board to either approve, approve with conditions,
20 or disapprove, the proposed improvements, in sufficient time to allow the Board
21 to fulfill its timely obligations under these Rules.
- 22 • If the Board refers the submittal to an independent architect, the Board will
23 reconsider the Owner's proposed improvements at the subsequent regularly-
24 scheduled Board Meeting.
- 25 • The ultimate decision to approve or disapprove all proposed improvements rests
26 solely with the Board.
- 27 • It is the responsibility of the Homeowner to assure that any remodeling,
28 construction, or reconstruction, approved by the Board complies with all
29 applicable city, county, state, and federal building codes; that necessary permits
30 are obtained; and that a copy of the approved permit is submitted to the Board for
31 the record.
- 32 • If a request is so complex that submittal to an independent architect is required,
33 this may extend the time allowed for decision to be made. The Board shall
34 endeavor to approve or disapprove, in writing, all plans for proposed
35 improvements within 60 calendar days after initial submission to the Board. In
36 the event the Board fails to approve or disapprove a plan for Improvements within
37 75 calendar days after complete plans and specifications have been submitted,
38 approval shall be deemed granted.
- 39 • Incompleteness of the initial submittal, or delays by the Owner providing any
40 requested additional information, will extend these approval periods by a time
41 equal to the duration of the delay.
- 42 • If an Owner is aggrieved by a decision of the ACC or the Board relating to review
43 and approval or disapproval of plans for proposed improvements, a written
44 request for an in-person appeal and hearing may be made to the Board. Decisions
45 of the Board in this regard shall be binding and conclusive.

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ARTICLE VI
APPROVED COLORS

6.1 By a vote of the Owners, the Creekside Homeowners Association Inc. allows only the following Dunn Edward colors for exterior use.

<u>Color Name</u>	<u>Dunn-Edwards Formula</u>	<u>Description</u>
Marsh Thistle	4-31, 8-8, 13-11	Light Tan
Chamois	4-1y24, 8-17, 13-8.5	Mocha
Pelican Brown	4-2y18, 8-25, 13-25	Medium Tan
Haden	4-5y, 8-3y8, 14-2y12, 13-12	Cinnamon
Colonial Yellow	4-5y, 8-2.5, 13-2.25	Mustard
Sage	4-4y, 8-7, 13-28	Green

6.2 The following paint sheens shall be used based on the surface being painted, and irrespective of the color being used:

- Flat: Stucco (dwelling walls, garage walls, guest house walls, common walls, shared walls), metal edge flashing, metal parapet copings, and roof side of parapet walls.
- Semi-Gloss: Metal dwelling doors, metal garage doors, wood doors, wood door frames, metal gates, and metal screens.

6.3 The following are additional rules to govern the painting of property:

- The complete house, garage and guest house including doors, but excluding the overhead garage doors may be painted with any of the approved colors.
- The color for all exterior walls will be (light tan) Marsh Thistle. The color for the grates, gates, and overhead garage door will be (dark tan) Pelican Brown.,
- The homeowner is responsible for assuring that the flashing is the same color as the adjacent stucco and the parapets are the same color as the predominant, most visible color of the structures. For example, the parapets on the garage should match the stucco on the front of the garage.
- Should someone have a non-conforming color at present, they will be required to have the color come into conformance either at the next time they paint or at the time of selling their home.

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ARTICLE VII
APPEARANCE

7.1 Garbage - Garbage and recycle containers may be placed at curbside no earlier than the night before pickup and must be removed from curbside no later than the night of pickup. Between pickups, the containers must not be visible from the street or from a neighbor's home.

7.2 Yard - Each homeowner is responsible for keeping the yard inside of their wall free of weeds, trash and junk. Yard clippings should be put into the resident's trash barrel for the regular trash pickup. Anyone who throws yard debris over the wall onto the common area or adjacent area will be charged for the cost of cleanup.

7.3 Plumbing - Creekside homes, as well as many other Tucson homes, were constructed using blue polybutylene tubing from the city water meter to the house. In 1994, this blue poly pipe was found to have a manufacturing defect, causing leaks. The monies set aside in a class-action law suit have expired, and it is now the homeowner's responsibility for maintenance, repair and replacement costs for this pipe.

ARTICLE VIII
RENTING YOUR HOME

8.1 Homeowners not living at Creekside must keep the association informed of their correct mailing address, email and phone number at all times. Homes that are rented out must be reported to the association along with the name(s), email address and phone number of the person renting, as well as the name, address and phone number of a management company if one is used. When a unit is rented, it is the responsibility of the homeowner to inform the renter and the management company of the Creekside governing documents. Renters who do not abide by these documents may have their leases cancelled. The use of a management company does not relieve the homeowner of any responsibility related to the Creekside Association or to renters.

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ARTICLE IX
POOL RULES

9.1 Admission to the pool area may only be made by using the keys issued by the Creekside Homeowners Association Inc. Pool users who do not have a key in their possession will be asked to leave the pool area. Guests are limited to 2 and must be accompanied by a Creekside resident; additional guests require advance approval from the Management Company. All residents and guests must observe the Pool Rules. Homeowners are responsible for their guests and violations may result in suspension of pool privileges. No parties are allowed due to the limited space and in consideration of all homeowners.

9.2 Use of the pool is governed by the Pima County Health Department under Title 8.32 of the Pima County Code as a *semi-public* pool. The Pima County Health Department Inspector makes unannounced visits, and has the authority to close the pool for any health- or safety-related violations. The following excerpts from the Pima County pool code are not a comprehensive summary.

- The gates to the pool area must be CLOSED and LOCKED at all times. NEVER prop the gates open.
- The life preserver and other pool safety equipment are required and reserved for health and safety uses ONLY. DO NOT use these items as toys.
- No pets of any kind are allowed in the pool area at any time.

9.3 There is NO lifeguard on duty at any time.

9.4 Children under 15 years of age must be supervised by an adult resident while in the pool area. These adults are responsible for the safety and behavior of the children.

9.5 Be considerate of your neighbors and fellow pool users.

- No wheeled sports equipment (bicycles, tricycles, skateboards, roller blades, roller skates, or scooters) are allowed in the pool area. The only wheeled vehicles allowed in the pool area are wheelchairs, baby strollers and walkers.
- No game equipment which interferes with the use of the pool area by others is allowed at any time.
- No loud voices disturbing adjacent residents in homes and yards or other pool users.
- Radios must not be audible to others inside or outside the pool area.
- Do not bring food of any type into the pool area.
- Do not bring any type of glass containers into the pool area, alcoholic beverages are not permitted.
- Deposit all trash into the receptacles provided. Do not leave trash in the pool area or restrooms.
- No diving, running, horseplay, abusive language or abuse of pool property.
- No grilling at the pool unless it is a Board sanctioned Community-wide event.