

**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 or on the official Creekside website at www.creeksidehomeownersassoc.com.
- 1.2 Owners may post notices relevant to Creekside community activities in the kiosk upon request to the association manager. The Board will review the request and post if approved.
- 1.3 Special, periodic announcements may be sent by email from the association manager to Owners. Owners are responsible for providing the association manager with their current email information.

**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.

Transaction	Fee
Copy of Community Documents	\$.15 per page
Sale of Unit (Transaction Fee)	\$300.00
Review of Plans by Independent Architect	\$150.00
Returned Check	Current bank charges
Late Homeowner Dues	\$ 15.00 per month
Replacement Pool Key	\$75.00

- 3.2. Pool keys are limited to one free key per Owner. Replacement pool key fees are non-refundable. At the closing of escrow on the sale of their Units, Owners must transfer their pool keys to the new Owners.
- 3.3. The community management company will authorize the locksmith to replace a pool key upon written request from the Owner, only (not renters or any others), to the management company.
- 3.4. Owners permitted to rent their Units must provide their pool key to the renter or submit a written request on behalf of their renter to the association manager to issue an additional key for the Renter's use. **IMPORTANT** – Upon any termination of a Renter's Lease, Owner **MUST** obtain the Renter's Pool Key. This will help ensure Creekside Pool is used by Creekside Owners, their guests, and current Renters, only.
- 3.5. Owners approved for replacement pool keys must provide their government issued photo ID card.

Owners must sign for the key at time of pick up at the locksmith.

3.6. 3.6 Renters are *not* authorized to pick up pool keys unless specifically approved by the association manager.

ARTICLE IV PARKING

4.1. The Board of Directors is granted permission to adopt and publish Rules and Regulations pertaining to parking and storage of vehicles in Section 2.16 of the Declaration of Covenants, Conditions, and Restrictions (“CC&Rs”) and Section 4.15 of the Bylaws of Creekside Homeowners Association, Inc. (“By-Laws”).

4.2. Parking on Creekside streets, except in designated parking spaces, is strictly prohibited at all times.

4.3. Creekside Fire Lanes are located at Cave Creek, Catalina, Oakbury Circle, Nandina, and parts of Bullrush and Haven Lane. Parking violations in designated Fire Lanes must be reported to any one of the following local authorities listed below.

- A. Tucson Transportation Department/Parkwise (Ph: 520-791-5071);
- B. Tucson Fire Department (Ph: 520-791-4502); or
- C. Tucson Police Department (Ph: 520-791-4444).

4.4 Exceptions to parking on Creekside Streets (excluding Fire Lanes) are permitted for short-term, temporary situations, as listed below, during which time vehicle hazards lights must be flashing.

- A. Deliveries, unloading or loading.
- B. Home repair service vehicles (i.e., electricians, plumbers)
- C. Health professionals and other personal care personnel are prohibited from parking in front of Owner units unless it is an emergency.

4.5 Storage or long-term parking of any vehicle, including recreational vehicles and boats, is **prohibited** on Creekside streets.

4.6 Moving Trucks that must be parked for an extended period of time are allowed, but not overnight. As a courtesy to new Owners, sellers shall advise new residents about parking rules. Sellers may also notify the association manager of any anticipated moves so that new Owner vehicles are not towed.

4.7. PODS and other designated moving containers may be parked temporarily in parking spaces After providing written notice, including the duration and location of the unit, to the association manager.

4.8. TOWING. Any Owner or renter may report parking violations to the Management Company. The report may be provided by email including a photograph of the vehicle, including its plate, to the association manager. The association manager will contact the Tow Company. Vehicles are subject to being towed and stored without notice, and at the vehicle owner's expense.

4.9 CURBS. Anytime an Owner or Owner’s guest temporarily parks in front of an Owner’s Unit, extreme care must be taken to avoid parking on the curbs and desert ground cover – rocks. Irrigation lines are close to the surface and easily destroyed by the weight and movement of vehicles. Interruptions in water service, water leakage, and irrigation line repairs are costly and time-consuming.

ARTICLE V
ARCHITECTURAL REVIEW

5.1. Restrictions pertaining to improvements or changes to any Dwelling Unit are described in Section 3.06 of the CC&Rs. Owners may request permission to construct improvements or changes to the Lot by following the process outlined below.

- A. Complete the Creekside Homeowners Association Architectural Improvement Application and Review Form available at the HOA website: [Microsoft Word - CRS ARC Form \(creeksidehomeownersassoc.com\)](https://www.creeksidehomeownersassoc.com)
- B. Submit the completed application and review form to the association manager.
- C. Provide additional information as requested.

5.2. Architectural Improvement Applications are reviewed as follows:

- A. The association manager will submit the form to the Board of Director, or the Board-appointed Architectural Control Committee (ACC) to review at their next scheduled meeting.
- B. The review will be approved, approved with conditions, disapproved, or request(s) for additional information may be directed to the Owner.
- C. Response to Owner must be in writing and provided within thirty (30) days of the Board or ACC's receipt of the request.
- D. Decisions of the Board or the ACC may be based on purely aesthetic considerations. Each Owner acknowledges that opinions on aesthetic matters are subjective and may vary as members of the Board or the ACC change over time. The Board or the ACC may, but is not required to, solicit the opinions of the adjacent property owners, but in all cases will make its own independent review of the requests.
- E. Incompleteness of the initial submittal, or delays by the Owner in responding to requests for additional information will delay a final decision.
- F. The Board may hire a certified, independent Architect for an opinion when proposed improvements are sufficiently complex to ensure a fair and thorough review. If the Board or ACC decides to refer the application to an independent architect, the Owner will promptly advise the Owner.
- G. The Owner will be required to pay the Architect's fee as described in the Rules at Article 3, above. Payment of the fee shall be made by check payable to the architect and must be delivered to the Board prior to the Board forwarding the submittal to the independent architect.
- H. If the Board refers the submittal to an independent architect, the Board or ACC will make every effort to obtain the architect's opinion within a reasonable time to fulfill its timely obligations under these Rules.
- I. Following receipt of the Architect's opinion, the Board will review the opinion and Owner's application at its the next regularly scheduled Board Meeting.
- J. The ultimate decision to approve or disapprove all proposed improvements rests solely with the Board.
- K. It is the responsibility of the Owner to:
 - 1) Comply with all applicable city, county, state, and federal building codes.
 - 2) Obtain all applicable permits
 - 3) Provide, upon request, copies of any permits related to the project to the Board for the Owner's record.
- L. In the event the Board or ACC fails to approve or disapprove a plan for Improvements within 75 calendar days after providing all of the requested information to the Board or ACC, approval shall be deemed granted.

M. If an Owner is aggrieved by a decision of the ACC or the Board relating to review and approval or disapproval of plans for proposed improvements, a written request for an in-person appeal and hearing may be made to the Board. Decisions of the Board in this regard shall be binding and conclusive.

**ARTICLE VI
APPROVED
COLORS**

6.1 **By a vote of the Owners**, the Creekside Homeowners Association Inc. selected **DUNN-EDWARD PAINTS** located at 4320 E. Speedway Blvd., Tucson, AZ 85712 (Ph: 520-327-6011; email TucsonSpeedway@DunnEdwards.com). Approved Colors shall be mixed according to the formulas provided below:

<u>Color Name</u>	<u>Dunn-Edwards Formula</u>	<u>Description</u>	<u>Base Color</u>
Marsh Thistle	4-31, 8-8, 13-11	Light Tan	None
Chamois	4-1y24, 8-17, 13-8.5	Mocha	Medium Base
Pelican Brown	4-2y18, 8-25, 13-25	Medium Tan	Medium Base
Haden	4-5y, 8-3y8, 14-2y12, 13-12	Cinnamon	“U” Base
Colonial Yellow	4-5y, 8-2.5, 13-2.25	Mustard	Medium Base
Sage	4-4y, 8-7, 13-28	Green	Medium Base

Non-conforming paint is a violation according to Section 2.09 of the CC&Rs.

6.2 The following **PAINT SHEENS** shall be used based on the surface being painted, and irrespective of the color being used:

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

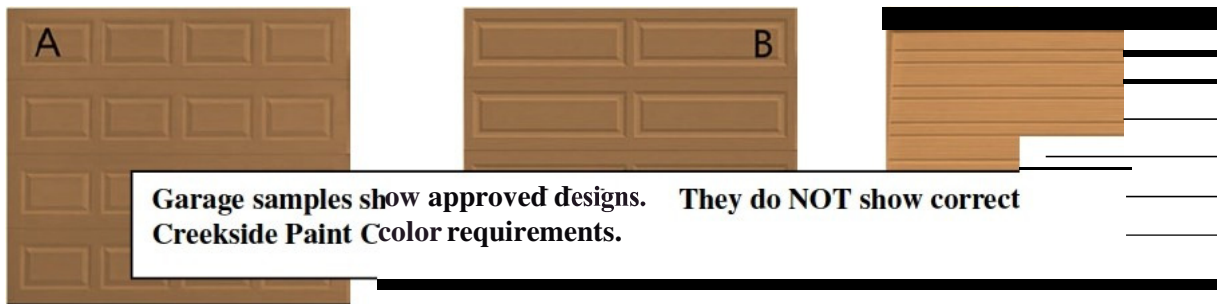
6.3. The following are additional rules to govern the painting of property:

- A. The complete house, garage and guest house including doors, but excluding the overhead garage doors may be painted with any of the approved colors.
- B. The color for all exterior walls will be (light tan) Marsh Thistle. The color for the grates, gates, and overhead garage door will be (medium tan) Pelican Brown.
- C. The Owner 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.
- D. Should an Owner have a non-conforming color at present, they will be required to repaint with conforming colors at the next time they paint or at the time of change or transfer of ownership.

**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 and Landscape Waste. Owners are 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. Owners and their agents who throw yard debris over the walls into the common areas 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 lawsuit have expired, and it is now the Owner's responsibility for maintenance, repair, and replacement for this pipe.
- 7.4 Garage Doors. To maintain uniform appearance and design throughout the association, replacement garage doors **must** be approved prior to installation by following the Architectural Review process outlined in Article 5, above. Owners may choose one of the following garage door types (as pictured below) and replacement garage doors must be painted in accordance with the Creekside color scheme in Article 6, above.
- A. Rectangular raised panels;
 - B. Elongated rectangular raised panels; or
 - C. Ribbed panel.

Replacement garage door must be painted as required in Section 6, above.



**ARTICLE VIII
RENTING YOUR HOME**

Important Rental Amendment approved by 75% of the Owners as stated in the Certificate of Amendment to Declaration Rentals for Creekside Homeowners Association ("Rental Amendment") and recorded in the Office of the Pima County Recorder on June 4, 2007 at Sequence 20071070142.

- 8.1 Owners not living at Creekside must keep the association informed of their correct mailing address, email, and phone number at all times.
- 8.2 Owners shall not Lease or rent their Lots unless they were Existing Owners Grandfathered at the time the Rental Amendment was made and executed May 21, 2007 and recorded June 4, 2007.
- 8.3 Owners may obtain prior approval of the Board in writing for an exemption as a special case involving hardship or other extenuating circumstances.

- 8.4 Timeshare or other transaction that has the effect of a leasehold or rental transaction are prohibited except for Existing Owners Grandfathered at the time of the Rental Amendment.
- 8.5 Registration of rentals must include name(s), email address(es) and phone number(s) of the renter(s). If the Owner employs a property manager for the rental, the name, email address and phone number of the property manager must be provided to the Creekside association manager.
- 8.6 Owner(s) are responsible for informing their renters and their management companies, if any, of Creekside Rules, CC&Rs, Articles, By-Laws, and all association announcements. It is the Owner's responsibility to ensure their property manager communicates all announcements to their renter(s).
- 8.7 Owners will be subject to the terms and conditions of the Rules, CC&Rs and any other governing documents when their renters fail to abide by Creekside HOA Rules and governing documents.
- 8.8 The use of a management company does not relieve the Owner of any responsibility related to the Creekside Association or to its renters.
- 8.9 Owners not covered by the Rental Amendment who lease their properties will be in Violation of the CC&Rs.

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 association manager. All residents and guests must observe the Pool Rules. Owners are responsible for their guests. Violations may result in suspension of pool privileges.
- 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 is authorized to close the pool for any health or safety violations. As provided by the Pima County pool code, the following regulations apply:
- A. Gate to the pool area must be CLOSED and LOCKED at all times. NEVER prop the gates open.
 - B. Life preserver and other pool safety equipment are required and reserved for health and safety uses ONLY. DO NOT use these items as toys.
 - C. 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 accompanied and supervised by an adult resident while in the pool area. These adults are responsible for the safety and behavior of the children.
- 9.5 Pool users must be considerate of neighbors and fellow pool users. The following rules also apply to pool users at all times:
- 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 prohibited at all times.
- Deposit all trash into the receptacles provided. Do not leave trash in the pool area or pool restrooms.
- No diving, running, horseplay, abusive language, or abuse of pool property.
- No grilling at the pool unless it is a Board approved, association event.
- No parties are allowed without prior permission of the association manager.

9.7. Security Cameras. The Board of Directors approved the installation of a security camera system at the Creekside Pool to help monitor compliance with pool rules and ensure a safe, peaceful pool environment for all Owners and their Guests.

Revisions to these Rules were made on:

07/01/83 Initiated by the Creekside Developer, Cienega Homes
 08/27/86 Approved by the Board of Directors, Creekside Homeowners Association
 06/01/94 Approved by the Board of Directors, Creekside Homeowners Association
 03/12/97 Approved by the Board of Directors, Creekside Homeowners Association
 10/08/98 Approved by the Board of Directors, Creekside Homeowners Association
 01/11/00 Approved by the Board of Directors, Creekside Homeowners Association
 01/18/01 Approved by the Board of Directors, Creekside Homeowners Association
 02/20/03 Approved by the Board of Directors, Creekside Homeowners Association
 02/21/07 Approved by the Board of Directors, Creekside Homeowners Association
 03/17/08 Approved by the Board of Directors, Creekside Homeowners Association
 10/13/08 Approved by the Board of Directors, Creekside Homeowners Association
 12/21/09 Approved by the Board of Directors, Creekside Homeowners Association
 07/29/10 Approved by the Board of Directors, Creekside Homeowners Association
 09/09/10 Approved by the Board of Directors, Creekside Homeowners Association
 02/11/21 Approved by the Board of Directors, Creekside Homeowners Association

IN WITNESS WHEREOF, the undersigned certify that by a unanimous vote of the Board, these Rules were approved on _____ thereby revoking any previous Rules and declaring them null and void and of no further force or effect.

CREEKSIDE HOMEOWNERS ASSOCIATION, INC.
 an Arizona nonprofit corporation

DATE: _____

ATTEST: _____