

**RULES AND REGULATIONS**  
**BELAFLORA CONDOMINIUM ASSOCIATION, INC.**  
**An Arizona nonprofit corporation**

**I. GENERAL PROVISIONS**

A. Authority. According to Article II, Section 2.04 of the Declaration of Condominium and Easements, Covenants, Conditions, and Restrictions for Belaflorea Condominium (“CC&R’s”), the Board of Directors is empowered to adopt the following rules and regulations (“Rules”) governing the use of property within the Belaflorea Condominium Community, including its facilities, and the personal conduct of members (property owners) of the Association and their guests. The Board is further empowered to establish penalties for the infraction of these rules.

B. Duties. All members of the Association are responsible for their own compliance with these Rules and the other operative documents governing the Association and members are also responsible for ensuring compliance by their family members, tenants, guests, invitees, and licensees. (The operative documents include the recorded CC&Rs, Articles of Incorporation, Bylaws and these Rules.)

C. Purpose. These Rules have been adopted for the purpose of promoting the safety and welfare of the residents and protecting the value and desirability of property within the Belaflorea Condominium Community.

**II. COMMON ELEMENTS**

A. All complaints, communications, and requests regarding the Common Elements as defined in Section 1.12 of the CC&R’s, shall be made in writing to the property manager designated by the Board. Members and residents must give immediate written notice to the property manager of any damage, accident or injury that involves the properties, including, but not limited to, the Common Elements.

B. No person shall make or maintain any alterations, additions or changes to the Common Elements without first obtaining written consent from the Architectural Committee pursuant to Section 7.01 of the CC&R’s. This includes, but is not limited to, sprinklers, plants, ground cover, lights or other Common Area items.

C. The destruction or damage of any item or part of the Common Element by a Member or his/her family members, tenants, guests, invitees and/or licensees, or any pet of the foregoing, will be billed to the Member at cost, including labor. Collection of such amounts will be in the same manner as any other obligation set forth in the CC&R’s, By-Laws or pursuant to statute.

D. Any concerns for safety, vandalism, or other illegal activity should be reported directly to the police or call 9-1-1.

### III. BEHAVIOR

A. No person shall engage in any conduct that violates any laws, statutes, ordinances or regulations. No person shall behave or permit behavior to occur that interferes with the rights, comfort and/or convenience of other residents at Belafora. As with all Rules set forth herein, Members (Owners) are responsible for the actions or inactions of their family members, tenants, guests, invitees, licensees and pets.

B. Noise from stereos, televisions, parties, gatherings, conversations, vehicles, etc., must not unreasonably disturb other residents at any time. Without limiting the foregoing, no person shall cause or permit the blowing of a vehicle horn while approaching or upon any driveway or parking area within the Belafora community, except when absolutely necessary for the safety of others and/or the safe operation of a vehicle.

C. There shall be no loud music, loud power equipment or other loud noises or disturbances after 10:00 p.m. This section is in addition to and does not supersede the limitations of the preceding paragraphs.

D. The consumption of illegal substances of any kind is not allowed in or upon the Common Elements, including parking areas.

E. The speed limit within the Belafora community is 5 M.P.H. and must be observed. Residents are responsible for notifying guests, invitees or licensees of the speed limit and Members are responsible for any fines related thereto (as with the violation of any provision of the operative documents).

### IV. TENANTS (RENTERS)

A. Members are responsible for providing tenants with a copy of the Operative documents, including these Rules. Tenants are required to abide by all of the provisions of the operative documents, including these Rules.

B. The Association's property manager must be provided with a copy of the lease, including the names and telephone number(s) of each tenant at least ten (10) days prior to the commencement of the lease term. (For purposes of these Rules, "tenant" also includes any intended occupants of a Unit.)

**C. Members must include a clause in all rental (lease) agreements that require compliance with the operative documents as a condition of continued occupancy of a Unit, and further provide that any violation of the operative document by a tenant or his/her**

**guests, invitees and/or licensees is a material breach of the rental agreement, permitting eviction.**

D. Members are ultimately responsible for the actions of his/her tenants and such Tenants' guests, invitees, licensees and pets.

## **V. VEHICLES/PARKING**

A. No mobile home, boat, recreational vehicle, trailer of any kind, truck (other than a maximum three-quarter (3/4) ton capacity truck or van designed for and used for personal, noncommercial use), camper, commercial or delivery vehicle, off-road vehicle, inoperable vehicle or permanent tent or similar structure shall be kept, placed, maintained or constructed, reconstructed or repaired upon any property within the Belafora community nor shall any motor vehicle be constructed, reconstructed or repaired within the Belafora community, except minor vehicle repairs that can be completed in the same day, during reasonable daytime hours. Such vehicle repairs must be conducted in the resident's designed parking space(s) and cannot in anyway damage the underlying surfaces maintained by the Association. With the exception of the clean-up requirements, the repair provisions of this paragraph shall not apply to emergency vehicle repairs, such as the changing of a flat tire. Commercial and delivery vehicles shall be permitted within the Belafora community for short durations while services are being performed and/or goods are being delivered to a unit.

B. Parking is prohibited in fire zones and non-designated Common Elements, and any such violations shall subject the vehicle to immediate tow away at the applicable owner's expense. All other parking violations addressed in these Rules and the CC&R's may result in towing of the vehicle following seventy-two (72) hours after the vehicle has been tagged for a violation or the owner of the vehicle otherwise notified. Parking exceptions may be permitted under special circumstances only when granted in writing by the Board or property manager and then only pursuant to the express conditions therein imposed.

C. Guest parking shall be limited to guest vehicles only and such vehicles may be permitted to remain overnight in guest parking spaces for a period of not more than ten (10) days in a row within any eight (8) week period unless written approval is secured from the Board or property manager. Guest parking is limited to designated guest parking areas only. "Guests" shall include anyone other than a resident(s) of record.

D. Regardless of the cause, any leaking of vehicle fluids on any Common Areas, including streets, drives, or parking areas, must be cleaned up immediately.

E. The Association assumes no liability of any kind as a result of its control of vehicles and/or parking.

## VI. CHILDREN

A. City of Phoenix curfew requires children between the ages of 16 and 18 to be in their homes between the hours of midnight and 5:00 a.m., and children under the age of 16 must be in their homes between the hours of 10:00 p.m. and 5:00 a.m. City curfews will be strictly enforced within the Belafora community.

B. Parents/guardians are responsible for the supervision, safety and actions of their children at all times.

C. Playing in streets or parking areas is prohibited. Playing should be limited to designated Common Elements. Parents/guardians should instruct children that playing in the streets, alleys or parking areas is not only unsafe, but prohibited.

D. Other than persons authorized by the Board of Directors or property manager, no person is permitted to access or walk on roofs, climb fences or trees, or utilize any Common Element for any purpose other than that accepted in the Phoenix Metropolitan area as the intended use.

E. Bicycles, tricycles, and any other wheeled toys or vehicles are prohibited on lawns, landscaped areas or any swimming pool area.

## VII. PETS

A. No animals, birds, fowl, poultry, or livestock, other than up to a total of two (2) generally recognized house pets, shall be maintained in any Unit within the Belafora community and then only if they are kept solely as domestic pets and not for commercial purposes. To the extent permitted herein, no animal or bird shall be allowed to the extent it disturbs surrounding residents or otherwise becomes a nuisance, and no structure for the care, housing or confinement of any animal or bird shall be maintained so as to be visible from any adjacent Unit or property. Upon the written request of any Member, the Board shall conclusively determine, in its sole and absolute discretion, whether, for the purposes of this paragraph, a particular animal or bird is a generally recognized house pet or a nuisance.

B. Pets shall not run free and must be walked on a leash at all times. An owner is responsible for immediate removal of any pet droppings. Any decision by the Board of Directors shall be enforceable as any other restriction contained herein or in the operative documents.

C. Members are responsible for any damage caused by their pet(s) or the pet(s) of their family members, tenants, guests, invitees and/or licensees.

D. **For ALL LEASES** Signed After July 1, 2010 no pets over 25 pounds will be permitted.

## VIII. SWIMMING POOL RULES

A. The pool, washrooms, cabana and related areas are provided to give residents an enjoyable relaxation place. To maintain an enjoyable environment, the Board of Directors has formulated these pool rules. Members (owners) will be required to ensure that family members, tenants, guests, invitees and licensees are informed of these rules (and all others set forth herein), as well as general courtesies that will keep the pool area happy and safe.

B. Except when the pool is being serviced and maintained, pool hours are as follows: Monday through Friday, 6:00 a.m. to 9:00 p.m.; Saturday and Sunday, 9:00 a.m. to 9:00 p.m.

C. **All swimming and pool use by persons is done at their own risk. No lifeguard is on duty.**

D. Children under the age of 16 are not allowed in the pool area unless accompanied by a responsible adult 18 years of age or older. Any children who cannot swim must be held by an adult at all times when in the water.

E. Use of the pool is limited to residents and their guests, but in no event is a resident key holder permitted to have more than **six (6) guests** in the pool area at any one time without written authorization from the Board of Directors. The resident must ensure the orderly conduct of all such guests. Members are ultimately responsible for any damages or violations. Non-residents, including guests, may only use the pool area when accompanied by a resident. When residents have guests at the pool, consideration must be given to other residents. If the pool area becomes congested, all guests will be required to leave at the discretion of the Board or property manager.

F. No intoxicated persons, persons under the influence of any illegal substance, or persons having an infectious disease shall use the pool. Alcoholic beverages are not allowed in the pool area.

G. All food and glass or bottled containers are forbidden in, around or about the pool area. This will avoid the need to drain the pool in the event a glass article is broken.

H. Pool keys are for resident use only. DO NOT let anyone without a key in or out of the pool area. If they have no key, then they don't have the privilege of pool use. As with any violation of the pool rules, violation of this provision can result in a loss of pool privileges to a Unit for up to thirty (30) days.

I. No running, rough play, loud or offensive language, or loud noise is permitted.

J. Swimming suits only are permitted in the pool. No cutoffs or street clothes are permitted. No nude swimming is permitted, regardless of a person's age. Children not toilet trained are not allowed in the pool without appropriate protective garments such as plastic pants which are secure around the waist and leg areas.

- K. All trash, cans and cigarette butts are to be placed in proper containers.
- L. The pool gate must be kept locked at all times. If you see the pool gate open, CLOSE IT.
- M. Nothing is to be placed in the pool which can interfere with the pump system, including, but not limited to, coins and rocks. Pool play equipment shall be confined to small rings and balls. Large play equipment, such as air mattresses, should be considered only when the pool is not crowded.
- N. Bicycles, tricycles, skateboards, roller skates and the like are prohibited in the pool area. Pets are prohibited in the pool area.
- O. There shall be no splashing of water other than that accompanying normal swimming. Use restroom facilities, not the swimming pool.
- P. Do not play or tamper with the life-saving or pool equipment.
- Q. Only battery operated radios, television sets, tape recorders, CD player or other electronic devices shall be permitted in the pool and then only with private earphones.
- R. Furniture, other than that provided by the Association, shall not be used in the pool area, nor shall furniture supplied by the Association be removed from said area under any circumstance. Association umbrellas in the pool area must be lowered after use.
- S. When the pool gate is padlocked, or repair persons are working on the pool or its equipment, no person is permitted in the pool area.
- T. The pool cannot be closed or reserved for private parties.
- U. All persons shall comply with the requests of the Board and/or the property manager regarding matters of personal conduct in the pool area. Any persons not abiding by the pool rules will be suspended from use of the pool for a period of up to thirty (30) days per violation. Anyone vandalizing the pool area, washrooms, cabana, etc., may be permanently suspended from further use of the pool area and the Association will seek reimbursement of all costs and expenses associated with remediation of the damage from the Member of the applicable Unit and the offending party. Violations of the pool rules can also subject Members to fines as set forth below.

## **IX. TRASH**

- A. All trash must be placed in designated dumpsters. Trash cans located on the Common Areas are for convenience only and should not be used as dumpsters.

B. All trash is to be bagged and closed before being put into the dumpsters.

C. No furniture, crates, or other large items are to be put into the dumpsters, or left around the dumpsters. All such items are to be removed from the Belafora community by the resident.

D. Added costs for hauling away any items assessed against the Association will be charged to the Member.

E. Small children who are unable to lift and put trash bags easily into the dumpster should not be sent to the dumpster. Children may not play on, in, or around dumpsters.

F. No rummaging through dumpsters is allowed.

G. Any trash spilled must be cleaned up immediately.

## **X. VIOLATIONS: FINES AND PENALTIES**

A. Any infraction of these Rules or of any provision of the CC&R's, Articles of Incorporation or By-Laws, by a Member (Owner), family member, tenant, guest, invitee or licensee, shall result in a fine against the applicable Member and penalized as follows (in addition to any other penalties, disabilities or remedies available to the Association):

1. First offense: Property manager, employee or Board member notifying of the violation in writing; optional warning or minimum \$25.00 fine; and/or suspension of Member's membership rights.

2. Second and additional offenses: minimum \$100.00 fine and/or loss of Member's membership rights.

3. Unless otherwise indicated in any notice of an offense, a continuing offense shall be deemed to be a new offense every ten (10) days, until remedied.

B. Vandalism will involve a fine as outlined above, plus reimbursement to the Association for actual replacement or repair costs, and for such other amounts as more fully set forth in the operative documents.

C. Any charge or fine not paid by its due date, as set forth in the operative documents or as set forth by the Board of Directors, will be handled and collected in the same manner as any other assessment pursuant to the community documents and Arizona statutes.

D. With the exception of attorneys' fees and costs, all charges, penalties, or fines imposed against a Member for violation of the community documents shall provide notice and an opportunity to be heard before the charge, penalty or fine is deemed binding and collectible. The notice requirement is satisfied by mailing a copy of the amount due and payable, postage pre-

paid, to the applicable Member, to the Member's last address appearing on the books and records of the Association, or supplied by such Member to the Association for such notices, to the extent provided in the CC&R's. The hearing requirement is satisfied by allowing an opportunity for the Member to be heard at the next scheduled meeting of the Board of Directors or as otherwise set forth in the notice of violation. The Member so notified has the obligation to find out when and where the next scheduled Board of Directors meeting will be held or to satisfy the requirements set forth in the notice. Failure to satisfy the requirements of the notice or to attend said meeting will constitute a waiver of the right to a hearing by the Member. In the event of a hearing, any determination by the Board of Directors or designated committee shall be deemed conclusive.

## **XI. MISCELLANEOUS**

A. The above Rules are not intended to conflict with the CC&R's, Articles of Incorporation or By-Laws of Belafora.

B. In the event any one or more of these Rules, or any portion thereof, is adjudged invalid or superseded by future action of the Board of Directors or any other governing body, such partial invalidity shall not affect any other Rule herein or any other portion of the directly affected Rule, all of which shall remain fully enforceable by the Board as to all Members, family members, tenants, guests, invitees and licensees as set forth above. In lieu of the superseded or invalid Rule or any portion thereof, the Board of Directors may promulgate additional Rules to take the place of, supercede and be effective with respect to the material, superseded or adjudged invalid Rule. In addition, the board of directors may, pursuant to the By-Laws of Belafora, amend these Rules and promulgate new Rules from time to time.

The foregoing Rules were adopted and approved by the Board of Directors on the 26<sup>th</sup> day of May, 2010.

**BELAFLOA CONDIMINIUM ASSOCIATION, INC.**

Victor Grace – President  
Michael Brewer – Vice President  
Randy Green - Treasurer  
Jay Rosen - Secretary