

***CORTESSA
COMMUNITY ASSOCIATION***

ASSOCIATION RULES

*Adopted: May 23, 2005
Updated: February 20, 2018*

CORTESSA COMMUNITY ASSOCIATION THE ASSOCIATION RULES

GENERAL PROVISIONS

1. All capitalized terms in these Association Rules shall be given the meaning used in the Definitions set forth in Appendix A of the recorded Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Cortessa as amended (“Declaration”).
2. Article 4, Section 4.3 of the Declaration authorizes the Board of Directors (“Board”) to adopt regulations and restrictions pertaining to (1) the Association’s rights, activities, and duties, (2) the Common Area, Neighborhood Common Area, or Area of Common Responsibility, and (3) permitted activities on Lots and Parcels.
3. The Association Rules shall have the same force and effect as if they were set forth in and were a part of the Declaration.
4. The Association Rules are subject to the interpretation or modification by the Board.
5. The Association Rules are not intended to replace or restate the restrictions in the Declaration, but may supplement or clarify those restrictions.

DRIVEWAYS/ CONCRETE SURFACES

Driveways, sidewalks and all paved surfaces shall be maintained in a clean, oil-free and stain-free condition at all times. Weeds, spurge and other vegetation shall be removed from concrete spacers and cracks. Oil pans may be used as needed to keep oil from staining the driveway. Oil pans must be regularly cleaned and maintained in good condition.

GARAGES AND CARPORTS

Garage doors shall remain closed when the garage facility is not in use. If a garage door is replaced with the same design as the original, the new garage door must be painted the original color.

Carports shall not be used for storage of any items.

IRRIGATION SYSTEMS

Daytime watering of shrubs and turf areas should be avoided. Irrigation should be adjusted to avoid water run-off on the driveway, sidewalks and streets.

IMPROVEMENT MAINTENANCE

All Improvements on Lots and Parcels shall be maintained in good condition and repair and adequately painted or finished. Painted surfaces which are fading, peeling or cracking require repainting. Improvements include the home, light fixtures, doors,

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windows, walls, gates, and the like.

INOPERABLE VEHICLES

Inoperable vehicles shall not be parked or stored in view of the streets, neighboring properties, Common Areas, or Neighborhood Common Areas. An inoperable vehicle includes a vehicle with a flat tire, outdated registration, broken engine, on blocks, and the like. Parking an inoperable vehicle inside a closed garage out-of-view can resolve a violation.

LANDSCAPE AND LOT MAINTENANCE

Minimum landscaping in the front yard of a Lot, consisting of one 24" box tree, one 15-gallon tree and six 5-gallon plants from Exhibit "A" of the Design Guidelines, must be maintained at all times.

Grass shall be mowed on a regular and consistent basis. It shall not encroach on granite area, driveways, sidewalks, walkways or headers. Grass shall be sufficiently watered and fertilized to prevent browning or stressing, except during the winter when the grass is naturally dormant. Winter dormant grass must be maintained in a cut condition, free of leaves or debris or any weeds growing up through the dormant grass.

Trees, shrubs, hedges and plantings shall be trimmed on a regular and consistent basis. All vegetation shall be sufficiently watered, cultivated, and fertilized to prevent browning or stressing. Any dead or dying parts of the vegetation shall be removed.

Vegetation shall not be allowed to overhang or otherwise encroach on sidewalks, streets, pedestrian ways or neighboring properties from ground level to a height of eight feet. For purpose of this rule only, vegetation encroachment does not include leaves, flowers or other parts of vegetation blowing from one Lot, Parcel, Common Area or Neighborhood Common Area to another, so long as the vegetation is properly trimmed and maintained. Also for purpose of this rule, vegetation encroachment shall not include natural root growth from one Lot, Parcel, Common Area or Neighborhood Common Area to another, except that an Owner may cut roots intruding unto the Owner's Lot or Parcel.

Lots and Parcels shall be maintained free of weeds, spurge, lawn debris, trash, rubbish and other unsightly material. Boxes, crates, construction material, lawn furniture, toys, bicycles, tires, lawn equipment, tools and personal property shall not be stored in view

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of the streets and neighboring properties.

LANDSCAPE AND WALL MAINTENANCE ON EASEMENT AREAS

An Owner must maintain not only landscaping on that Owner's Lot or Parcel (including setback areas), but also maintain landscaping on any public right-of-way or easement area that abuts the Owner's Lot or Parcel and is located between the boundary line of the Owner's Lot or Parcel and the paved area of any street, sidewalk, bike path or similar area. The maintenance requirements set forth in these Rules apply to these areas.

Similarly, an Owner must maintain the paint on both sides of a wall (both interior to the Owner's Lot or Parcel and exterior) where the wall separates the Lot or Parcel and any such public right-of-way or easement area that abuts the Owner's Lot or Parcel. The wall paint color must be Sherwin Williams SW 6088 ("Nuthatch") or as otherwise as approved by the Design Review Committee.

Oftentimes, the public right-of-ways or easement areas requiring Owner maintenance are located adjacent to corner Lots where the granite landscaping matches or where mailboxes are located.

PARKING

Owners and Residents may only park their vehicles on the paved driveway or in the closed garage of a Lot and shall not park in the streets of Cortessa. No vehicle may be parked on landscaping, granite areas, sidewalks, easement-ways, public right-of-ways, access-ways leading to double-gates to the rear yard, Common Areas or Neighborhood Common Areas.

PET NUISANCES

Article 3, Section 3.13 of the Declaration states in part: "No animal, horse, bird, poultry or livestock, other than a reasonable number of generally recognized house or yard pets as established by the Board in accordance with this Section 3.13, shall be maintained on any Lot or Parcel..." Section 3.13 further states: "Upon written request of any Member or Resident, the Board shall conclusively determine, in its sole and absolute discretion, whether, for the purposes of this Section 3.13, a particular animal or bird is a generally recognized house or yard pet, whether such a pet is a nuisance, or whether the number of animals or birds on any such property is reasonable."

Maricopa County does not allow chicken roosters in Single Family Residential Districts. Based upon the membership's response to the Association's Survey Regarding Generally

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Recognized Yard Pets, and evidence presented to the Board of Directors during an arbitrated dispute between Owners, the Board determined that chicken hens are not generally recognized house or yard pets under Article 3, Section 3.13 of the Declaration. Therefore, chickens shall not be maintained on any Lot or Parcel in Cortessa.

Owners should ensure that their pets do not constitute a nuisance. In general, a nuisance is a substantial and unreasonable interference in the use and enjoyment of property. Trifles, petty annoyances and disturbances, or mere inconveniences do not constitute a nuisance. Special sensitivities of an Owner are not an acceptable measure of nuisance. If the Board is called upon to arbitrate a dispute between Owners, any number of factors may determine whether a particular pet constitutes a nuisance, including but not limited to unreasonable noise, smells, attraction of insects, or straying from an owner's property.

PROHIBITED VEHICLES IN VIEW

Typical passenger motor vehicles are permitted in Cortessa. However, many other types of vehicles shall not be stored or parked in Cortessa if they are visible from the streets, neighboring properties, Common Areas or Neighborhood Common Areas. These prohibited vehicles include over-sized vehicles (such as large delivery trucks, dry van or panel trucks, or Class 5-8 vehicles under the USDOT Gross Vehicle Weight Rating Classification System), trailers of any kind, fifth wheel campers, recreational vehicles, boats, campers, and jet skis. If these can be viewed or even partially viewed over a wall or gate, the Owner is in violation.

LEASES AND OUT-OF- STATE OWNERS

An Owner of a Lot is prohibited from using a Dwelling Unit or Lot within Cortessa for vacation rental, lodging, or hotel use. Lots shall be used exclusively for residential use by Single Families who maintain a common household in a Dwelling Unit. Use of a home within Cortessa is for occupancy as a residence, and not for vacation getaways or lodging.

An Owner may lease a Dwelling Unit to a Single Family for residential use from time to time. When doing so, the residential lease is subject to all restrictions set forth in the Declaration and these Rules. Although a tenant may occupy the Lot, the Owner of the Lot is ultimately responsible to ensure compliance with the Declaration and Rules. If a violation occurs, the Association's remedies (including attorneys' fees and costs incurred by the

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Association) are against the Owner.

The law requires that owners of residential rental properties in Maricopa County must register with the County and provide certain information relating to the property. All owners of residential rental properties must register their properties regardless of the type of tenant, even if the tenant is a family member. These registration requirements apply to Owners of Lots within Cortessa who lease their Lots and Dwelling Units.

The law imposes additional requirements on out-of-state owners of residential properties within Maricopa County. Out-of-state owners must designate a statutory agent who lives in Arizona who will accept legal service on behalf of the owner. Again, this applies to out-of-state Owners of Lots within Cortessa.

TRASH AND RECYCLE CONTAINERS

Trash and recycle containers shall be kept out of view except for days of collection for the residence. Containers must be kept behind the closed gate or in the closed garage.

VEHICLE REPAIRS

Vehicles of any type shall not be repaired or serviced in view of the streets, neighboring properties, Common Areas or Neighborhood Common Areas.