

Tempe Gardens
Home Owners' Association

**HOMEOWNER
HANDBOOK**

RULES & REGULATIONS
For Owners and Tenants
(www.tempegardenshoa.org)

Revised November 2015

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TEMPE GARDENS TOWNHOUSE HOMEOWNER HANDBOOK

tempegardenshoa.org

WELCOME TO TEMPE GARDENS ~

As a property owner in Tempe Gardens, you are automatically a member of the Tempe Gardens Townhouse Corporation Home Owners' Association (HOA). The Association is incorporated for the purpose of preserving and enhancing the value of our homes, the amenities of the Association, and quality of life. It provides the structure for operation and management of Tempe Gardens.

The Board of Directors is the governing body for the HOA and is supported by a management company. The Board oversees the HOA's financial health, business affairs, legal obligations, and maintenance. It holds owners and residents accountable for their part in complying with the Rules and Regulations and encourages owners to be engaged in community affairs.

The content of this document is important because it provides the Board, the management company, owners and tenants clear direction and understanding of our covenants, an enforceable contract that states our shared obligations.

These rules establish the basis of our community standards. They are reminders of how to be considerate and respect the rights of our neighbors. When we act like neighbors, our neighborhood is reinvigorated.

The Board meets regularly. Owners are encouraged to attend the meetings to stay informed of the community's activity. HOA committees welcome owners to participate. The meeting agenda, schedule, and management contact information are posted on the bulletin board at each clubhouse. The Annual Meeting of the membership is held in September. Check tempegardenshoa.org for more information.

New Owner: Points of Concern:

- Patios must be kept clear of pet waste, garbage, debris and any storage items visible from outside the fenced area. Plantings must be maintained, weeds pulled and trees pruned. (Pg. 6)
- Windows must be repaired if broken. Interior window treatments (drapes, curtains, blinds, or shutters) must be present and in good repair (No cardboard, sheets, foil, etc.). (Pg. 5)
- Dogs (when outside of home and patio) must be on a 6' or shorter leash, and all dog droppings must be scooped up immediately and disposed of properly. (Pg. 11)
- Construction of patio covers, changes to the fence/gate, sheds and satellite dish placement requires an approved **Architectural Plan Submittal Form**. (Pg. 5, 16)
- Absentee owners must complete a **Tenant Registration Form** to notify the Board of tenant status. Owners must also provide their tenants with a copy of this Homeowner Handbook to assure their understanding of the rules and regulations. The owner is responsible for his/her tenant's compliance. (Pg. 9)

Insurance:

The Association's master insurance provides coverage for structural damage to the exterior of buildings, liability, and other HOA required insurance obligations.

It is the individual responsibility of each owner to insure his own townhouse for his benefit, as he sees fit. Maintenance of electricity, plumbing and other utilities remain with the owner as is normal and customary with a single family residence.

Owners may request a copy of the HOA's insurance certificate from Management. A fee may be charged.

RULES & REGULATIONS

GENERAL

1. All owners and residents are responsible to know and help enforce the Tempe Gardens Townhouse Covenants, Conditions and Restrictions (CC&R's), which are accepted by each owner and tenant as part of living in Tempe Gardens. (For HOA purposes, a tenant is any non-owner resident an absentee owner has agreed to have reside in the unit whether renter, relative or friend, and whether or not rent is charged or paid). Owner(s) will be held accountable for the actions of his/her tenants, guests, licensees, agent, and/or other household members and their compliance to HOA rules and regulations.
2. The HOA requires owners to complete the Tenant Registration Form for any unit not owner occupied. (pg 9).
3. Owners are assessed a monthly HOA fee to cover expenses of the Association. This includes insurance, maintenance, water, trash, landscaping, pool, management and legal services. In addition, the HOA retains reserve funds for capital and unexpected expenditures. (Board members are volunteers).
4. After notice and an opportunity to be heard, the Board has authority to assess a monetary fine on owners for rule violations.
5. The Association is required to provide the CC&R's and other documents to new owners. Copies of all Tempe Gardens' documents are available on our website or from management. A reproduction fee may be charged.
6. There is not a rule for every situation, however, the Board reserves the right to address any new situation as it occurs.

1. **COMMON AREAS**

Playground: A playground is provided near each clubhouse as a safe area for children to play.

- 1.1. Quiet hours 10 PM to 7 AM.
- 1.2. No smoking or alcoholic beverages.
- 1.3. Obscene language and destructive behavior are prohibited.
- 1.4. Any injury or property damage will be the personal responsibility of the unit owner.

Trash: www.tempe.gov

- 1.5. Trash is to be secured in plastic bags and placed inside a city provided trash bin in the alley. Do not overfill.
- 1.6. Bulk items and green waste are collected periodically. No bulk or green waste items may be placed for pick-up more than 10 days prior to the City's scheduled collection. Schedule at www.tempe.gov.
- 1.7. Persons dumping waste items outside the trash bin or in the alley (any time other than during the 10 day period prior to the city's scheduled pickup) will be charged a \$150 collection fee.
Surveillance cameras on duty.
- 1.8. Individual units may request recycling bins from the city. (There may be a fee.)
- 1.9. No littering (trash or cigarette butts) in common areas or carports.

2. **Appeals to the Board of Directors:**

Any rule clarification or violation notice may be appealed to the Board for final decision.

3. **ARCHITECTURE: DESIGN & REVIEW**

City of Tempe permit may also be required.

3.1. The HOA requires an **Architectural Plan Submittal Form** for approval for the following modifications:

1. Satellite dish/antenna placement. (Pg 16)
2. Any additions or alterations to the exterior of the building including patio covers and sheds.
3. Patio fences, gates or screening
4. Painting (exterior)
5. Garden bed in common area adjacent to unit.
6. Tree planting
7. Private pools, spas, and water slides
8. Water heater enclosures located in the common area
9. Solar panels
10. Flags

3.2. Once a modification is in place, it must be maintained by the owner to a standard satisfactory to the Board.

3.3. Interior window treatments (drapes, curtains, blinds, or shutters) must be present and in good repair. Broken windows and screens must be repaired or replaced.

3.4. All holiday type lights/decorations are limited to 30 days prior to and 30 days after said holiday.

4. Roofs: Only licensed, bonded, and insured personnel and their equipment are permitted on roofs.

4.1. Satellite dishes, wires and/or antennas may NOT be placed on roofs (or fronts) of buildings. (See guidelines on page 16).

4.2. Heating and air conditioning (HVAC) replacement must include adequate sealing of all old and new roof penetrations.

5. PATIOS AND PREMISES

- 5.1. No items may be stored in any viewable area including, but not limited to patio, carport, shed alcoves, or on roofs of storage sheds or on patio or carport covers. Rubbish, trash or garbage must be regularly removed and not be allowed to accumulate.
- 5.2. Patios must be kept clear of pet waste, pigeon droppings and stagnant water. These are health hazards.
- 5.3. Fruit trees must be pruned to prevent roof rat infestation, and ripened and fallen fruit removed.
- 5.4. Maintenance of fence, gate, latches, shed and block patio party wall is the owner's responsibility. Screening by adequate planting or fencing is required to conceal storage items on patio from view of neighboring townhouses and streets.
- 5.5. No plants that grow on, or could damage the townhouse building or overhead electrical lines may be planted. Trees and bushes must be properly pruned or removed to prevent damage, and may not encroach onto neighbor's patio without neighbor's permission. Weeds must be pulled and grass maintained. Tree planting requires prior Architectural approval. (pg. 5)
- 5.6. No clothesline or clothes drying is allowed where it is visible above the patio walls or from the street or alley.

6. SIGNS: Only the following signs are permitted:

- 6.1. FOR SALE or RENT: one sign is allowed.
- 6.2. POLITICAL SIGNS: political signs may not be prohibited 71 days before or 3 days after an election.
- 6.3. YARD SALE: one sign only, limited to 5 days, and must be removed when the sale is terminated.

7. FRONT GARDEN AREAS

- 7.1. Owners/residents may grow flowers or other plants in a garden bed up to 36" wide along the front or side of their unit. Maintenance, including removal of grass and weeds is the owner's responsibility. To set up, Architectural approval is required. (Pg 5)
1. Plants must be kept clear of any plumbing/sewer cleanouts.
 2. No trees, and no bushes or plants which could cause damage to the building or impede lawn care may be planted.
 3. When/if owner no longer wishes to maintain the garden bed, it is his/her responsibility to retire it by returning it to HOA care in its original condition or a condition the HOA deems acceptable.
- 7.2. No tampering with the landscape or irrigation system.
- 7.3. No toys, chairs, or other personal items may be left in common areas. This includes front lawn areas, carports, pool area, etc.

8. WATER USE: Water is a limited resource, especially in the desert. Residents are to repair leaky faucets, toilets and avoid letting water run excessively while doing daily tasks. We all pay for the water that is wasted. **Conservation will help us all.**

- 8.1. There shall be no wasteful use of water.
- 8.2. Private pools, spas, and water slides must have Architectural approval prior to installation.
- 8.3. Washing of cars and motorcycles is not permitted.
- 8.4. No stagnant water; it breeds mosquitoes.

9. **VEHICLES AND PARKING**

- 9.1. Assigned parking spaces for each townhouse are under or beside carports directly behind the unit. An extension of the patio party walls designates the boundaries of the unit's parking area. Vehicles must be parked in assigned parking spaces only.
- 9.2. Towing an unauthorized vehicle from one's assigned parking space is permitted by an owner or tenant possessing an **Assigned Parking Verification Card** issued by the HOA.

To acquire an **Assigned Parking Verification Card**:

1. For a **tenant**: the owner must sign a Tenant Registration Form authorizing the tenant to acquire an Assigned Parking Verification Card.
2. For an **owner occupied unit**: The owner may request an Assigned Parking Verification Card using the Assigned Verification Card Request Form.

Only ONE Assigned Parking Verification Card is issued per townhouse. Form is on website (www.tempegardenshoa.org), or from manager.

- 9.3. All vehicles parking within Tempe Gardens Townhouse complex must be licensed with current tags, and operable. Trailers permitted only with Board approval.
- 9.4. Parking spaces shall not be used to repair, change oil or to reconstruct any vehicle. No transmission fluids, crank case oil, coolants or other fluids may be drained within the complex. (Emergency repairs such as flat tires, battery replacement, or out of gas problems do not apply).
- 9.5. To protect asphalt, vehicles may not leak fluids. Use of a drip pan or kitty litter may mitigate damage.

- 9.6. Guest parking spaces have a 24 hour limit. These spaces are NOT for regular resident parking.
- 9.7. Alley parking is prohibited by city ordinance. Vehicles driven or parked on the grass, sidewalks or other unauthorized areas will be towed. .
- 9.8. Washing of cars, motorcycles, etc, is not permitted. Heavy motorcycles should use kickstand pads.

10.RENTING YOUR UNIT

- 10.1. Absentee owners must complete a **Tenant Registration Form** to notify the HOA of the tenant's name and contact information.
- 10.2. Owner must provide tenants with a copy of the Rules and Regulations and inform them of their obligation to comply.
- 10.3. The City of Tempe allows no more than three (3) unrelated persons to reside in any single family home.
- 10.4. Owners must register their rented property with Maricopa County Assessor's Office, obtain a Tempe privilege tax license, and comply with the Tempe Rental Housing Code.
- 10.5. Owner is responsible for the behavior, damage and violation fines of the tenant.

11.BUSINESS & COMMERCIAL ACTIVITIES

Only "Home Business" activity is permitted.
Community resources may not be used for business activity.

These Tempe Ordinance restrictions apply:

1. No visible sign of the business
2. Business space limited to 25% of home
3. No employees
4. No large deliveries or significant storage
5. Off-site parking for vehicles required
6. No hazardous materials

12. *YARD SALES:*

- 12.1. Sales are limited to 3 per year, per unit with a time limit of 48 continuous hours per sale.
- 12.2. Sales are limited to the patio, carport, and the area adjacent to your unit.
- 12.3. A sign advising customers of the sale is limited to 5 days.
- 12.4. Yard sale items and sign must be removed immediately after the sale is terminated.

13. *NOISE*

- 13.1. Quiet hours are 10 p.m. to 7 a.m.
- 13.2. To protect the peace and quiet, no noise or nuisance shall be permitted to exist or operate at any property if it is offensive or detrimental to the occupants of any other property in the area.
- 13.3. No loud or disruptive noises from TVs, stereos, radios, musical instruments or other electronic devices are permitted.
- 13.4. Excessively loud motor vehicles including stereos, alarms and other vehicle generated noises are prohibited.
- 13.5. Dog barking must be controlled and not disruptive.
- 13.6. Loud noises from adults or children including screaming, arguments, social engagements, music, etc. must be restricted to a level not disruptive to neighbors.
- 13.7. Construction/ remodeling noise is not permitted during quiet hours.

14. PETS: City, County and State regulations govern many of the following:

- 14.1. All dogs must have a valid license and must be on a leash not longer than 6' when not confined inside the resident's unit or patio area.
- 14.2. Dogs may not run loose. No pet may be staked in the common areas.
- 14.3. All dogs and cats must have an identification tag and collar.
- 14.4. It is the pet owner's responsibility to immediately clean up after his/her pet and dispose of waste properly.
- 14.5. Patios must be kept clean of pet wastes. Excrement may not be washed into the common area.
- 14.6. Pet owners are responsible for any injury or damage caused by their pets.
- 14.7. Pets confined to the patio must be provided with necessary food, water and shelter.
- 14.8. It is the pet owner's responsibility to ensure that pets do not make an unreasonable amount of noise or become a nuisance in the complex.
- 14.9. No commercial breeding of animals is permitted. No livestock or poultry permitted.
- 14.10. No animals are allowed in the pool or pool area.
(Exception: service animals are allowed in the pool area, but not the pool).

CLUBHOUSE

A. CLUBHOUSE RULES

1. The Clubhouses are located by the pools in the North and South campuses. They are to be used by residents and their guests only. Guests must be accompanied by a resident.
2. Youth events require the owner/tenant to be present and provide one adult for every 10 youths.
3. No smoking in the Clubhouse per Arizona law.
4. Disruptive or intoxicated persons are not allowed in the Clubhouse. It is the responsibility of the owner to enforce this rule.

B. CLUBHOUSE RESTROOMS

1. Restrooms must be kept clean by users.
2. If the restrooms are used by swimmers, their bathing attire must be dry and not wet the floors.

C. CLUBHOUSE ACTIVITIES

1. Clubhouses are for social activities only.
2. Playing music is permissible, providing the volume does not disturb nearby residents.
3. Clubhouse furniture, if moved, must be returned to their original position. No chairs, tables or other items may be removed from the Clubhouse.

D. CLUBHOUSE RESERVATIONS

Owners and residents may reserve the Clubhouse for a specified event. All reservations must be approved prior to use. A reservation form is available from management and on the HOA website (*www.tempegardenshoa.org*). A rental fee may be charged.

1. To reserve the clubhouse, an owner/resident must complete a **Clubhouse Reservation Agreement** and pay a security deposit.
2. The cost of repairs, cleaning and any related cost will be charged to the person reserving the Clubhouse. Such charges will come out of, but not be limited to, the security deposit.
3. Reservation of the Clubhouse does not include reservation of the playground, pool or pool area. These areas may not be reserved.
4. Users must abide by all rules, or risk having the event terminated by management.

E. CLUBHOUSE PARKING

1. A few guest parking spaces have been provided near each clubhouse. Parking is also permitted on side streets.
2. Guests may not park their cars in parking spaces behind any townhouse unit without permission of the owner. A guest's car may be towed if it is parked in a resident's parking space, no parking zone, or on the sidewalk or grass.

F. LIABILITY & INTERPRETATION OF RULES

All persons enter and use the Clubhouse at their own risk. Responsibility and authority belongs to the resident reserving the Clubhouse. Disputes regarding the interpretation of clubhouse rules shall be resolved by the Board.

SWIMMING POOL

- A. **SWIMMING POOL RULES:** Maricopa County will close the pool if health and safety regulations are in violation.

Enforcement of these rules is the responsibility of all residents.

1. Quiet hours: 10 PM to 7 a.m.
2. The pool and pool area is for residents and accompanied guests only. *Always watch your children, and never leave them unattended.*
3. The pool gate must be securely closed and locked at all times. Propping the gate open for any reason is prohibited.
4. Owners and registered tenants may purchase a gate key from management.
5. Clean appropriate swim attire is required. No cutoffs!
6. No animals are allowed in the pool or pool area. (Exception: service animals are allowed in the pool area, but not the pool).
7. No glass containers of any kind are permitted.
8. Suitable play equipment will be allowed as long as it does not interfere with other swimmers.
9. No smoking in the pool or pool area.
10. No diving, dunking, or horseplay is allowed. In addition, running, bicycling, skateboarding, skating etc. is not allowed.

11. Use of obscene language or conduct, disruptive behavior and intoxicated persons shall not be allowed.
12. No excessive noise, such as public playing of music or radios, etc. is permitted.
13. Throwing foreign matter or debris into the pool, or around the pool area, is prohibited. Please pick up your trash!
14. Climbing over the gate or walls is trespassing. Violators will be prosecuted. Please help to enforce this.
15. Pool safety and cleaning equipment are to be used only by authorized personnel except in case of emergency.
16. Owners are responsible for any damage to equipment or furnishings.
17. No one can reserve the use of the pool or pool area. This also applies to anyone who has reserved the clubhouse.

B. SWIMMING POOL LIABILITY

1. All persons enter the pool and pool area at their own risk.
2. Swimming alone is not recommended.

NO LIFEGUARD ON DUTY

SWIM AT YOUR OWN RISK

C. SWIMMING POOL-- INTERPRETATION OF RULES

Disputes regarding the interpretation of these rules shall be resolved by the Board.

INTERNET & TV RECEPTION:

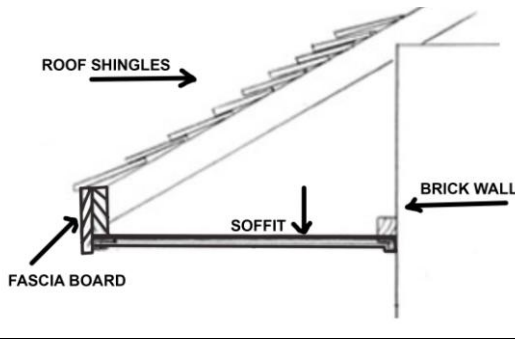
1. Owner/resident must contact Management for an **Architectural Plan Submittal Form**. (www.tempegardenshoa.org) before having your satellite dish or antenna installed,
2. Satellite dishes shall be no larger than 39.37" in diameter, and placed as follows:

Locations where satellite dishes MAY be installed:

- Patio Sheds
- Patio covers
- Roof fascia boards (see illustration below)
- Firewalls above building
- Patio party walls

Locations where satellite dishes MAY NOT be installed:

- Roofs of buildings
- Soffits
- Walls of buildings



1. Cables shall be limited to the shortest possible exposed exterior distance from dish to the building entry point, and painted to match the exterior of the building. *Advise your installation technician to use cables with colors matching (as close as possible) the exterior wall color.* No wires (of any type) are permitted on the roofs, ends or fronts of buildings.
2. Inactive satellite dishes, cables and hardware are not permitted. They must be removed and all holes filled and sealed.