

The Overlook II at Scottsdale Mountain Owners Association

Rules & Regulations for Owners

TO ALL UNIT OWNERS,

- **PLEASE** keep these **Rules & Regulations** available in your unit and make certain all residents are aware of them.
- **PLEASE** provide these **Rules & Regulations** to renters, relatives, or friends who inhabit your unit to read, understand and obey when they reside in your unit.

Unfortunately, many of the problems in and damage to our common property are the result of uninformed, temporary residents. It is every owner's responsibility to maintain the standards of Overlook II, regardless of who is occupying your unit.

Please visit the community website or contact **Vision Community Management** for questions about these **Rules & Regulations** or for copies of all Association governing documents.

Vision Website: <https://www.visioncommunitymanagement.com/>
Vision Phone: 480-759-4945
Vision Email Address: Overlook2@WeAreVision.com

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ARCHITECTURAL MODIFICATIONS

Changes to the exterior of your property are not permitted. Please remember all balconies and patios are designated as "LIMITED COMMON AREAS". If you have questions regarding a modification that you would like to make, please contact Vision Community Management at Overlook2@WeAreVision.com.

Note: You must have prior written approval for any changes. (When in doubt, check it out)

BICYCLES, SKATEBOARDS, SCOOTERS, MOTORIZED CARTS / DIRT BIKES, ETC.

- Bicycles, skateboards, and scooters are not permitted on any sidewalk, grass area, granite area, or inside the pool enclosure.
- Motorized carts (exclusive of motorized wheelchairs), dirt bikes, etc. are not permitted.

BALCONIES / PATIOS

Owners are responsible for maintaining their balcony / patio. As noted above, these areas are classified as a "limited common element", so any modifications to these areas require submission of an **Architectural Request Form**.

Second floor owners are asked to refrain from using pressure washers or hoses for cleaning balconies to avoid a mess to your neighbor's lower unit.

CLUBHOUSE / FITNESS FACILITY RULES

- The clubhouse/workout facilities are for resident use only.
- A resident must be 18 years or older to use these facilities without parental or adult supervision.
- **Do not adjust the thermostats in the clubhouse or workout facilities.**
- Turn off the lights, fans and TV when leaving.
- Doors are always to be locked.
- The clubhouse and workout facilities cannot be used to operate a business.
- The clubhouse must be reserved for private parties with a cleaning deposit of \$150.00. The facility is not designed to accommodate more than 30 to 35 people. To reserve the clubhouse, contact Vision Community Management and complete a reservation request form (form can be found on website). If the clubhouse is thoroughly cleaned by 10 a.m. the following day, the deposit will be returned.
- The clubhouse uses Cox Cable TV services. **PLEASE DO NOT MOVE THE TV OR CHANGE THE SETTINGS.** Please use the ON/OFF buttons located at the top of the remote. This will turn on both the TV and the cable box.
- **NO ANIMALS OR SMOKING** are permitted in the clubhouse, fitness center or the bathrooms.

EXTERIOR UNIT ENTRY DOORS

Each owner is responsible for maintaining the exterior doors of their unit. When necessary, they must be painted with the following HOA approved product: Behr exterior satin enamel, color: Sweet Molasses, or equivalent.

FIREWORKS

No fireworks of any kind can be set off within the Overlook II community.

FLOORING (2ND FLOOR UNITS)

Rules for alternative flooring materials are shown in Addendum III on page 11.

GARAGE / DRIVEWAYS

Garage doors must remain closed when not in use. No vehicle repairs or washing of vehicles is permitted in the garage or driveway.

GARBAGE CONTAINERS

Please see attached Garbage Container Policy Addendum on Page 9.

GRILLS / BBQ & PROPANE

As required per Scottsdale City Ordinance, no resident shall use or store a BBQ grill (gas or charcoal) or any propane device on their covered patios. This includes, but is not limited to, grills, patio heaters, firepits, etc. A community grill (professionally maintained by the HOA) is available for all residents to use located next to the Clubhouse (just east of the pool area).

Note: Use and/or storage of these items is a violation of the City of Scottsdale Fire Ordinance and penalties will be levied by the Scottsdale Fire Marshall.

HOLIDAY DECORATIONS

Holiday decorations are permitted for display beginning Nov. 15th and ending by, or before, Jan. 15th. Owners are permitted to decorate their "limited common elements" in addition to their unit. The HOA is permitted to decorate the entrance area. Clear holiday lights are allowed to stay on the trees at the community entrance permanently unless the board votes otherwise. See Article 1 of CC&R's for the definition of "limited common elements".

INSTANT HOT WATER

If you do not have instant hot water to all faucets of your home, you may be unaware your water heater has a re-circulating pump. Please refer to the front page of your water heater's owner manual for easy-to-read instructions on how to set it. This system is designed to provide hot water at the most distant fixture immediately. All cold-water fixtures still receive only cold water

and the system is designed to prevent hot water from mixing with cold water lines. If you have a question about your system, contact Vision Community Management. They will refer you to a Board member who can assist you onsite.

LANDSCAPING

All landscaped areas, except private courtyards (duplexes) and potted plants, are the responsibility of the Association.

Owners / residents shall not modify or alter any landscaping without written approval from the Board of Directors.

NOISE

Please be considerate of your neighbors and keep noise to a reasonable level. This includes dog barking, outside activities and inside activities which may generate excessive noise.

Note: We ask all owners to observe a “Quiet Time” between 11:00pm and 7:00 am.

OWNER / RENTAL RULES

- **Owner-Occupied Units:** All resident owners are required to complete (and keep current) the **Owner Information Form** and return it to Vision Community Management. Owners residing in their unit must complete the pertinent sections of the form only. This information is critical to keep our records updated so we can respond promptly in case of an emergency.
- **Rented / Leased Units:** Pursuant to Arizona State Law §33-1806.01 / §33-1260.01 completion of the **Tenant Tracking Form** must be submitted to Vision with a \$25 fee. A copy of the Rental Agreement / Lease must be submitted as well. Each new tenant requires a new form and \$25.00 fee. In addition:
 - It is the owner’s responsibility to provide a copy of these **Rules & Regulations** to your tenant, and ensure they are enforced.
 - Owners are responsible for the actions of their tenants and their guests.
 - The minimum rental period is one (1) month (30 days), as per City of Scottsdale and community governing documents. Violation of this minimum rental period will be \$1,000 per occurrence.
 - The owner must submit the **Rental Registration Form** and **Tenant Tracking Form** to Vision Community Management every time a unit is rented prior to occupancy.
 - Failure to provide this information to Vision Community Management will result in a \$25 fine assessed to the owner’s account.
 - The owner must provide the renter with all the governing documents for Overlook II including information published in newsletters.

Note: When owners rent their units, they forfeit their rights to use all community recreational amenities during the rental period in accordance with Article 3, Section 3.3.2 of CC&R’s. Use of the recreational amenities is granted to the Lessee.

PARKING & TOW RULES

See Addendum II for these rules.

PATIO SHADES

Exterior patio shades are permitted after submitting an **Architectural Request Form**. The shades must be purchased from our HOA approved vendor, Liberty Home Products, (Michael Polzer, 5621 S. 24th Street, Phoenix, AZ 85040, (602) 956-1642).

- Shades are to be 90% or 95% dark brown textilene.
- Shades must be attached to the inside of the patio, so hardware is not visible from the outside. Hardware may be manual or motorized.
- Owners are responsible for maintenance and repairs. Any shade in disrepair must be removed immediately.
- Non approved exterior shades must be removed 1-week after receiving notice. Failure to remove within this period will result in a \$75/day fine assessed against the owner.

Note: An Architectural Request form must be submitted and approved before installation.

PATIO FENCING

Units with 1st floor patios may add fencing for pets or to keep out wildlife. If you are interested in adding a security fence, please contact our HOA approved vendor, First Impression Security Doors Inc. at 480-924-1104. The fencing must be the same design and color as the fencing on the upper unit balconies. An **Architectural Request Form** must be submitted to Vision with a copy of the vendor quote.

PEST CONTROL

Interior & exterior unit (including garage) pest control is the owner's responsibility. Community Pest Control services in the common areas are provided by Spirit Pest Control. Many residents in the community find them highly effective and cost efficient for their interior services as well. If you are interested in using their service inside your unit, contact Dan Halvorson at (602) 788-9530.

PET RULES

Overlook II strictly enforces its Pet Rules. They are as follows:

- Only Dogs with a maximum adult weight below 75 pounds are permitted in the community.
- No more than two (2) pets are permitted to reside in any one unit.
- All dogs must be kept on a leash as per the City of Scottsdale Ordinance No. 1047.
- All dogs and cats living in the community must be spayed or neutered.
- Pet feces deposited in the common area, (grass areas and natural desert landscaping) must be immediately removed in accordance with City of Scottsdale Ordinance No. 1459.

- Excessive barking, odor, or aggressive behavior must be controlled by the pet owner.
- Pets may not be left unattended on patios, decks, or in courtyards.
- Kennels, crates, and/or temporary fencing is not permitted on your patio area.
- Animals are not permitted in the clubhouse, fitness room, public bathrooms, or pool enclosure.

Note: As a courtesy to other residents, please do not discard pet droppings in the community waste containers.

As stated in the CC&R's, the Board of Directors has the right to assess fines or, if necessary, adopt, amend, or repeal rules regarding the keeping of pets.

Let us all be good neighbors and follow these simple rules. Any resident witnessing a **non-resident** of Overlook II utilizing the common area to exercise or relieve their pets should report the incident to the management company immediately.

POOL AND SPA RULES

Pool rules are posted at the east end of the pool, on the gates to the pool area, by the spa and in our newsletters. It is the Owner's responsibility to ensure all renters and guests are familiar with and follow the rules.

- Pool hours are 6 am – 10 pm, seven days a week
- No one under the age of 18 is allowed in the pool facility without an adult
- The pool and spa are for use by residents and their guests only. Trespassers will be removed and prosecuted in accordance with ARS 13-1502-A1 (criminal trespass).
- A gathering in the pool area of more than 10 people (adults and children) requires a reservation and a \$50 damage deposit. Please contact Vision Community Management to reserve the area.
- **Pool gates must always remain closed and locked. Please do not prop them open.**
- No glass is allowed in the pool enclosure.
- No animals are allowed in the pool area, except designated service animals.
- Bathrooms are provided at the east end of the pool. Please use them, not the pool. Bathroom doors must be locked after use.
- Absolutely **NO DIVING** is allowed.
- Running, boisterous or rough play, or excessive noise is forbidden in the pool area.
- Spitting, spouting water, blowing the nose, or discharging body wastes in the pool is strictly prohibited.
- Do not remove pool furniture from the pool area. Tables and chairs are not to be moved. If you move lounge chairs, please return them to their original location.
- Please crank umbrellas closed and tie down before leaving the pool area.
- **The spa is for adult relaxation therapy only, it is not a play pool. Children under the age of 6 are not permitted in the spa at any time, in accordance with the CDC (Center for Disease Control) guidelines. Toys and flotation devices of any kind are not permitted in the spa.**
- The management reserves the right to refuse admittance to, or eject from, the pool premises any person failing to comply with any of the Pool and Spa Rules.

SECURITY / SCREEN DOORS

If you are interested in adding a security screen door, please contact our HOA approved vendor, First Impression Security Doors Inc. at 480-924-1104. They are aware of the HOA's pre-approved styles and colors. An **Architectural Request Form** must be submitted to Vision with a copy of the vendor quote.

STORAGE POD / DUMPSTER RULES

- **Important Note: The owner must provide advance notification to the management company of the date the POD or dumpster will be delivered / removed.**
- When using a POD or a construction dumpster, it must be placed in the driveway, so it does not block the sidewalk, the street, any neighboring driveways or impede traffic flow.
- It may only be used for short periods of time (loading or unloading only).
- The owner will be notified if the Board has questions or withholds its approval.

VEHICLE / PARKING RULES

- Speed limit within the community is 15 MPH.
- All residents (owners & renters) must park their vehicles using their garages and driveways.
- Vehicles parked on the street overnight are subject to fines and towing by the HOA or the Fire Marshall.
- Overnight Visitors may temporarily park in the "Overnight Visitor Parking" area located at the East end of the community by mailbox complex.
- Parking of boats, campers, RV's, trailers, work (commercial) vehicles, etc. is not permitted anywhere in the community.
- The maintenance and washing of vehicles is not permitted in the community.
- No parking is permitted in the emergency entrance / exit located at the west end of the community.

Note: Please see our TOW POLICY on the attached Addendum II (Page 9).

VENDORS, HIRED BY THE HOA

The HOA employs a variety of vendors to work in our community. The work of these vendors shall not be interfered with by any Owner / Resident. Our vendors are instructed NOT to communicate or take directions from anyone other than Vision Community Management at the direction of the Board. If any owner / resident has input about a vendor they wish to share, they are welcome to communicate with Vision.

VIOLATIONS / ENFORCEMENT

Rules will be enforced as follows:

- 1st Violation: Written Warning
- 2nd Violation: \$75 fine assessed to owner's account
- 3rd Violation: \$150 fine assessed to owner's account
- Continued Violations: \$300 fine per incident assessed to owner's account
- Short-Term Rental Violation: \$1,000 per occurrence

WATER USAGE

Water is precious in our desert landscape! The HOA asks all residents to conserve water wherever reasonable. It is not necessary to water your plants. Our community uses a sophisticated drip irrigation system that carefully regulates watering. Too much watering may cause roots to rot, and the plants will die.

Residents/Owners are required to turn off their main water valve when away from unit for 48 hours, or more.

IMPORTANT PHONE NUMBERS

Emergencies (Police, Fire, Ambulance)	911
Animal Control	(602) 506-7387
Scottsdale Fire Marshall	(480) 627-6642
Scottsdale Police (non-emergency)	(480) 312-5000
Trash Collection	(480) 312-8115
VISION Community Management	(480) 759-4945
Overlook2@WeAreVision.com	

The Overlook II at Scottsdale Mountain Owners Association

Addendum I - Garbage Container Policy

In accordance with the governing documents for Overlook II, the Board of Directors has instituted the following policy with regards to when garbage containers may be placed at the curb. Our community has had a continuing issue with Javelinas entering the community in search of food. Their presence causes a mess as they tip over garbage containers allowing trash to spread. Obviously, this represents a sanitary issue plus they use the property as their restroom. Your cooperation in keeping the community clean is greatly appreciated.

Effective September 15, 2010 the Garbage Container Policy for Overlook II is as follows:

- Garbage containers shall be placed at the curb **no earlier than 5:00 am** the day of collection, never the night before collection.
- A resident placing their garbage container at the curb the evening prior to collection, or on any non-collection day, will receive one warning before being assessed a monetary penalty for violations as follows:
 - \$75 for the first instance),
 - \$150 for the second instance, and
 - \$300 for each additional instance.
- If it is necessary for the Association to clean up trash because of a violation, the owner will be assessed an additional clean-up fee of \$50.00 per incident.
- If the unit is used by someone other than the owner, the owner is responsible for notifying their tenants / guests of this policy. Owners are also responsible for all monetary penalties incurred by their tenants / guests.
- Residents absent from the community prior to collection should arrange for a neighbor to place the container out on the day of collection and put the container away afterwards.
- Refuse containers must be stored in the garage when not out on the day of collection.
- All garbage in the container must be bagged and tied as per Maricopa County Ordinances.
- Please contact Scottsdale Solid Waste Management (480-312-5600) if your container is damaged or missing the lid and they will repair/replace for free.

The Overlook II at Scottsdale Mountain Owners Association Addendum II – Parking & Tow Policy

Effective September 15, 2010 the Towing Policy for Overlook II will be as follows:

- Any vehicle parked on the street overnight (after 2 am) will be towed without warning at the vehicle owner's expense.
- Any vehicle parked in the Visitor or Clubhouse parking areas for more than 72 consecutive hours or seven (7) calendar days in any month will be given a 24-hour notice to move the vehicle. If it is still in the parking area, it will be towed at the vehicle owner's expense.
- Any vehicle parked on the street during trash collection days may be subject to towing at the vehicle owner's expense.
- The Association is not responsible for loss or damage to vehicles that are towed. Owners must contact the tow company directly for impound costs and location of the impound yard. Proper identification for proof of ownership may be required to retrieve the vehicle.
- Please do not park vehicles on or blocking the sidewalks, in front of neighboring properties or driveways, and/or facing the incorrect direction on the street.
- Owners are responsible for providing a copy of this policy to their tenants / guests.

Currently, Tow services are provided by All City Towing, (480) 833-3200

The Board of Directors has directed the Association's tow company to randomly patrol the community after 2:00 am and remove vehicles violating these policies and the governing documents of the Association. Please refer to Article 4 of the CC&R's for the permitted uses and restrictions. These documents are available online at WeAreVision.com website.

Please direct questions to Vision Community Management at 480-759-4945 or email Overlook2@WeAreVision.com.

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Addendum III – Flooring Modifications

Section 4.3.7 of our Amended and Restated Condominium Declarations requires a homeowner to obtain Board approval for a hard surface modification to any existing carpeted flooring. The Board has the right to withhold approval if it believes the modifications will create sound transfer issues to any adjacent unit. **Section 4.18** gives the Board the right to adopt rules and regulations designed to maintain or decrease noise emissions that may impact other neighboring homeowners.

The Board has, therefore, adopted the following to help owners determine if a proposed flooring modification is likely to be accepted by the Board. These regulations were developed with the assistance of an independent Acoustical Engineer (MD Acoustics) who specializes in multi-family residential construction and sound transfer issues. It is the Board's goal to prevent any flooring modification, the result of which, will increase the sound transfer impact from the current level provided by carpet and padding.

Carpeting Regulations:

- If an owner replaces the existing carpeting with new carpeting, no Architectural Application (AA) need be submitted. **However, padding must be included with a minimum of 7/16th thickness and a 7-pound density.**

Alternative Flooring Regulations:

- All other flooring modifications, regardless of material finish, must be submitted to the Community Administrator with an Architectural Application.
 - It is strongly recommended by the HOA that owners consult the community's designated acoustic engineering firm for information about complying with these standards.
 - An AA must be submitted to the Community Administrator with all related information from the flooring contractor about the material to be installed including the sound transmission ratings for the combined flooring assembly (flooring & underlayment) plus a report from the Acoustic Engineer reviewing the installation.
- **The standard for any alternative flooring assembly is as follows:**
 - **Apparent Impact Insulation Class (AAIC-Field Tested) rating of 65.**
 - **Field Sound Transmission Class (FSTC-Field Tested) rating of 60.**
 - **A 5% deviation from the above ratings will be acceptable to the Board.**
 - **75% of approved alternative flooring must be covered with area rugs with rug pad and carpet runners with rug pad in high traffic areas.**

Important Note – The community standard is for “field tested” assemblies. Manufacturer's ratings are determined in “lab tested” environments and may be quite different. The homeowner (and therefore the contractor) should be prepared to provide, if requested by the Board, “field tested” ratings (at their own expense) for the proposed product and underlayment.

The Board reminds owners:

1. The HOA's designated acoustic engineer is MD Acoustics (Mike Dickerson, 602-774-1950). The Board has negotiated a fee of \$170/hour for homeowners.
2. Consider obtaining an assurance from their contractor the standards adopted herein will be met **after installation.**

3. After installation, the homeowner is responsible for proving to the Board's satisfaction (at their own expense) the installation meets the standard by providing test results should a neighbor lodge a sound related complaint.