

# Biltmore Gardens HOA Rules & Regulations

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**Created September 2015 by the R&R & Architectural Committees:**

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## **Introduction**

The mission of the Board of Directors and its committees is to promote the safety, property values and peaceful enjoyment of all Biltmore Garden residents. To that end the Board, from time to time revises and updates its rules as provided for in Article IV, Section 3(i) of the Biltmore Gardens Bylaws. Obviously no set of rules can anticipate every eventuality. However we ask that our entire community be guided by the goals of mutual safety, upkeep and enjoyment. Please note that the rules contained in this document replace any and all prior versions of community rules and regulations.

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## Note to Homeowners:

Each homeowner has the responsibility to provide the property manager with current accurate contact information at all times, including, but not limited to, the legal owner's name, telephone number, mailing and email addresses. In addition, we request homeowners provide the name, phone number and email address of any tenant(s) for emergency purposes. Rest assured, the Board of Directors will not sell or misuse personal information.

Biltmore Gardens employs an off-site professional property management company. If you have questions, want to report a problem in the common elements or, wish to record a specific complaint or concern, please telephone or email the property manager at the numbers and address posted on the mailbox bulletin boards.

In the event of emergency, dial Phoenix Police at 9-1-1.  
Non-emergency police matters should be telephoned to (602) 262-6151.

Non-emergency calls to the property manager may not be returned until the following business day; however the property manager will return your call within 48 hours (2 business days).

Legal notice to Biltmore Gardens homeowners may be made by U.S. mail (Certified Mail/Return Receipt Requested) addressed to Biltmore Gardens Townhome Condominium Association, Inc.; by lawful service upon the statutory agent of the Association, upon any attorney representing Biltmore Gardens and/or - as otherwise prescribed by Arizona statute. All notices must be in writing, dated and signed by the person serving legal or official notice.

Pursuant to the Arizona Uniform Condominium Act, all meetings and regularly scheduled committee meetings are open to the owners and owners are permitted to speak at an appropriate time during the deliberations and proceedings. The board may place reasonable time restrictions on those persons speaking during the meeting but shall permit a member or a member's designated representative to speak once after the board has discussed a specific agenda item but before the board takes formal action on that item in addition to any other opportunities to speak. Homeowners/Residents wishing to formally address the Board at any regularly scheduled monthly meeting shall submit written request which must be received by the property manager a minimum of seven (7) calendar days prior to the date of the scheduled meeting. All written requests must include the specific topic to be discussed and include any and all documentation, plans and other information necessary to enable the board to draw reasonable conclusion and reach an informed decision.

## **USE OF COMMON ELEMENTS – QUIET ENJOYMENT**

The common areas of the subdivision are for the use and enjoyment of all residents however; the following restrictions apply:

- a. Business or commercial activity may not be conducted on common elements.
- b. Signs may not be posted to advertise the sale or lease of any real or personal property, except as provided by applicable law and in the CC&Rs.
- c. Window and patio displays or signs may not be exposed unless expressly approved in writing by the Board of Directors.
- d. Littering within the common elements is not permitted.
- e. Planting of flora without prior written approval of the Board of Directors is not allowed in common elements.
- f. Nailing, pinning, tacking or duct taping of any notices or other materials is not allowed unless approved in writing by the Board.
- g. The Association may cause repairs to be made to any real or personal property in the common elements caused by any homeowner, tenant or guest thereof including patio walls, fixtures, parking areas or landscaping. Reasonable cost of repairs will be assessed to the unit owner responsible for any such damage pursuant to Paragraph 12 of the Association's CC&Rs.
- h. Due to fire hazard, incendiary or explosive devices (fireworks) are not permitted in common elements.

## **PARKING**

- a. Assigned parking spaces are for use of residents only.
- b. Each individual unit is assigned one (1) reserved parking space. Each casita is assigned two (2) reserved parking spaces. Parking space numbers are the same as the unit lot number.
- c. All uncovered parking spaces are considered resident overflow and guest parking space.
- d. Recreational vehicles including, but not limited to, trailers, 3-wheelers, quads, boats, mobile homes, travel trailers, car haulers, campers, etc. shall not be

parked under carport areas, upon any common elements of this association or within any patio area.

- e. Pursuant to Phoenix City Ordinances no parking is permitted in designated driveways, alleyways or along community walls.
- f. Vehicles that are abandoned or represent eyesores to the community in the opinion of the Board of Directors are subject to towing at owners expense after reasonable effort have been made to locate the vehicle owner.
  - a. Evidence of abandonment may include vehicles not moved for prolonged time periods, broken windows/windshields, deflated tires, debris or pest accumulation, outdated license or registration etc.
- g. Vehicle theft, automobile burglaries and vandalism are commonplace and may occur within the community. Residents are urged to maintain sufficient insurance and to keep all valuables within their vehicles out of view.
- h. Damage created by prolonged dripping of oil from vehicles and/or other chemical damage by vehicles parked in designated parking spaces shall be the responsibility of the homeowner assigned to the parking space.

## **SWIMMING POOL**

Pool hours are 7:00 AM, until 10:00 PM. Sunday through Thursday and 7:00 AM until 12:00 AM Fridays and Saturdays.

- a. Pool rules are posted in the pool area for the enjoyment and safety of all users. All persons entering or using the pool and/or pool facilities do so at own risk.
- b. Children sixteen (16) years of age or younger must be accompanied by an adult (eighteen years old or older) after 10:00PM.
- c. The following include some, but not all, pool rules:
  - a. All residents and their guests must adhere to the posted pool rules & regulations. The pool area is for the exclusive use of condominium residents and a reasonable number of invited guests. Invited guests may not be left unaccompanied by a homeowner or tenant of Biltmore Gardens.
  - b. No alcohol, drugs, weapons, food, glass, vulgarity, violence or promiscuity is allowed in pool area.
  - c. Climbing on or over fencing, on buildings or awnings is not allowed.

- d. No lifeguard is on duty and residents and guests swim at their own risk. Residents are encouraged to maintain utmost care and supervision of all minor children while in the pool area.
- e. The pool gate is to be closed and locked at all times, a key is provided to each unit owner.
  - i. Replacement keys are available through the association at a cost of \$5 per key.
- f. Pool keys shall not be loaned to any person not a resident of this Association.
- g. No loud parties or noise is allowed in pool area.
- h. No pets are permitted in pool area.

#### **ANIMALS AND PETS IN THE COMMUNITY**

- a. Household pets under 20lbs may be kept in the subdivision as long as they are not bred or maintained commercially.
  - a. Larger pets may be allowed with written consent from the Board of Directors.
  - b. Loose or stray pets may be reported to the Maricopa County Rabies Control Agency (Telephone 602-506-7387) and/or other appropriate city agency.
- b. Per Arizona law, all dogs three months of age and older are required to have a license and rabies vaccination.
- c. Pet waste contaminates groundwater, devalues property and cause odors in addition to rendering common areas of the property to become unusable. Pet owners are required to collect pet waste when in the common elements. Homeowners that do not retrieve their pet's waste are subject to violations and fines.
- d. Out of respect for your neighbors, no resident may leave unattended pets on patios during the day. In addition, pet owners must immediately clean their respective patio units of all pet waste. The property manager makes weekly inspections of the premises and the Board of Directors strictly enforces this regulation.

## MAINTENANCE OF PREMISES

- a. Air conditioning units are the responsibility of the homeowner including regular cleaning of the condensation pan. To prevent condensation runoff on the roof, condensation lines should be checked annually to insure they are properly attached and unclogged. Damage to the property or in the unit due to the air conditioning maintenance is the responsibility of the homeowner.
- b. No improvement to the exterior of any building, fence, wall or other structure shall be commenced, erected or maintained on any unit, or in any patio area, until a plan and specifications for the same showing all construction details including the nature, shape, height, material, floor plan and location have been submitted to and approved in writing by the Board of Directors in accordance with the CC&Rs.
- c. In order to maintain architectural conformity, all security doors and window screens must be cream, copper, brown or black in color. Damaged window glass, screens and security doors are not permitted and must be maintained in good condition by the homeowner.
- d. All household refuse (garbage) must be placed into a waterproof plastic bag and tied prior to placement in community receptacles pursuant to city ordinance.
  - a. Furniture and appliances that do not contain Freon should be taken to the dump. If you have an appliance that contains Freon (i.e. refrigerator / freezer) that you need to dispose of please visit the [City of Phoenix's hazardous waste management website](#) for options in our area.
  - b. The waste management company does NOT pick up asphalt, bricks, broken concrete, concrete blocks, dirt, rocks, roofing materials, railroad ties, paint, motor oil, or any other hazardous waste materials. You must properly dispose of these materials yourself.
- e. Homeowners are solely responsible for cost, maintenance and care of window glass, window screens, light fixtures, keys to mailboxes, keys to unit, patio trees, patio landscaping, patio water systems and such other and further maintenance not specifically provided by the Association.

- f. If patio landscaping interferes with or damages common elements, including patio walls, you will be asked to remove those items and pay for the repair of any damage caused by the landscaping.
- g. Maintenance of mailboxes is the responsibility of the Association. Individual mailbox locks and keys are the responsibility of the unit owner.

#### **PATIO UPKEEP**

- a. The interior area of each individual patio is for the use of the unit occupants. Patios must be maintained in a neat and attractive manner conducive to maintaining safety and high property values.
- b. The Phoenix City Fire code says that propane grills, charcoal grills, and fire pits are not allowed under covered areas. These grills can be used in uncovered, common elements. Electric grills are acceptable on all patios, even in covered areas.
- c. All trees, plants, bushes and other landscape inside patio areas are the sole responsibility of the homeowner.
  - a. Dead trees and shrubbery in individual patio areas must be removed.
  - b. Trees must be trimmed completely off roof to avoid damage to roofing.
  - c. Homeowners are responsible for all costs of repair resulting from roof or structural damage caused by untrimmed tree limbs, roots, vines or bushes in patio areas.
  - d. Homeowners/residents are required to harvest fruit trees on patios prior to dropping on common elements and/or to promptly remove fallen fruit from common area.
- d. Unsafe or inappropriate use of patio areas include but not limited to storing appliances, accumulation of weeds or leaves, interior upholstered furniture, pet excrement or urine, newspapers, cardboard boxes inoperable bicycles, trash, automobile parts, ladders, dead bushes or trees, loose lumber, garbage, empty cans and/or buckets etc.
- e. Installation of Jacuzzis, spas, whirlpools, wading pools, collapsible pools and/or hot tubs is regulated by the Board of Directors and shall not be installed or placed on individual patios without express prior written approval of the Board of



Directors. It is the responsibility of the homeowner to provide proof of the insurance needed to address liability concerns.

- f. Mister systems (whether rigid PVC or flexible tubing) are subject to approval of the Board of Directors.
  - a. Costs of repair for damage to any structure or portion of the common elements caused by the installation of a mister system or any damage caused by the water emitted from a mister system shall be the sole responsibility of the homeowner.
  - b. Mister systems installed prior to September 2015 are subject to inspection by the HOA.
- g. The Association provides monthly professional extermination services for all common elements, except patios. It is the responsibility of each homeowner/resident to treat interiors of units and patios.
- h. Christmas, Halloween and/or other appropriate holiday lights and displays may be reasonably displayed. Lights and decorations are permitted by use of clip wall/roof hangers only. All holiday lights and decorations are allowed ten days before and after the holiday then they must be entirely removed from the premises. Costs of repair for damage to any structure or portion of the common elements shall be the sole responsibility of the homeowner.

#### **PATIO PRIVACY**

- a. Patios are an extension of our living areas, but are also visible to the entire community. As a result, the Board of Directors wants to balance homeowner needs for privacy and rights for individuality with our shared goal to maintain property values. Below are the recommendations for patio coverings and use:
  - a. Gates that are on the first level of the property can be covered with one of two materials. If you choose to use one of these materials the installation must be professional-quality and regularly maintained. Poor installation or degradation over time may result in required removal of the materials.
    - i. Opaque composite wood. Available at Home Depot. Please contact the management company for approved vendor for installation.

- ii. Sheer durable screen material that is sun blocking may be installed. Screen material must be installed in a metal frame that is then affixed to the gate. Contact the Board of Directors for approved vendor for installation.
      - 1. No screening material may be attached with zip ties or other methods that are not permanent.
      - 2. Screening material may be copper, black or brown. Other colors must be approved by the Board of Directors prior to installation.
  - b. If you choose to use one of the two materials listed above (and only those two), then you do not need to seek Board of Director's approval prior to installation. Of course, you can submit a specific request to the Board for another covering option as well. Requests must be submitted prior to installing the material. As stated in the CC&Rs, the Board will make final decisions about architectural requests/changes within 30 days of receipt of request.
  - c. Patio gates may also remain uncovered.
  - d. Second level balconies: Due to planned changes to the railings on all second story patios, no blanket approval is given for covering of second story railings. If you would like to make a specific request for a modification to your second level patio, you can submit the request to the Board for approval. As stated in the CC&Rs, the Board will make a decision within 30 days.
- b. When making requests for patio coverings, please keep the following guidelines in mind. The new materials need to match the existing color scheme of Biltmore Gardens. Coverings cannot exceed the height or width of the current structure. Installation must be professional quality and maintained. Certain materials like bamboo, lattice, chicken wire, and chain-link fencing are prohibited and will not be approved by the Board.
  - c. Residents may not hang or mount cloths, towels, rugs, blankets, plywood, foil, cardboard, paper or any other materials in or on windows, patio walls or gates.

- d. Any materials that an owner wishes to affix to the top of their patio, such as sun shades, need to be approved by the Board before installation.
- e. Appropriate sun screens and shades may be hung on the exterior of windows or patio doors with written approval of the Board of Directors.

#### **PATIO LIGHTING**

- a. Patio light bulbs and other patio lighting must be white or yellow.
- b. Front door light bulbs must be white or yellow.
- c. Homeowners may, subject to prior written board approval and at their own expense, install approved courtyard security light fixtures. Installation must be by a licensed and insured electrical contractor.
- d. All patio and front door exterior light fixtures are the responsibility of the homeowner and must be maintained in good condition. Use of motion detector lighting is allowed.
- e. Low wattage soft white light bulbs are recommended.

#### **INSURANCE**

Residents/Unit Owners are responsible for maintaining homeowners and/or renter's insurance including contents and liability coverage.

#### **UTILITY INSTALLATIONS**

The Association strictly regulates all utility installations (including, but not limited to, sewer, water, cable, satellite, internet, telephones etc.). Licensed and insured contractors must do all electrical and other utility installation. To commence wiring to any unit within the Association please contact the property manager.

- a. Homeowners must complete the architectural request form with accurate and current copies of the contractor's license and insurance prior to any commencement of work within the community.
- b. All cable installation must be conduit encased and painted to match the exterior of the building. Only one entry point is allowed. No cable boxes or splitters are permitted on any exterior wall.
- c. No cable or wiring of any type may be strung on eaves, roofs or exteriors of buildings.

### **SATELLITE DISH INSTALLATIONS**

- a. Dishes shall be installed in such location and in such manner as to cause the least structural damage.
- b. Dishes located on rooftops. The Association must approve wiring up/down the exterior walls, around the exterior of buildings, across rooftops and along walls to minimize damage to common elements. Satellite wiring/cable run from dishes installed on rooftops shall enter the unit immediately under the eave of the building at location of dish or be encased in conduit until the point of entry and painted to match the building.

### **PLACEMENT OF SOLAR ENERGY DEVICE (SED)**

The Association strictly regulates all solar energy device installations. Licensed and insured contractors must do all electrical and other utility wiring. Installation of an SED to any unit requires approval of the Board of Directors.