

CLEARWATER FARMS PROPERTY OWNERS ASSOCIATION
UNITS IV, V, VI AND VII
P.O. Box 191
Waddell, Arizona 85355

www.clearwaterfarmspoa.com

ASSOCIATION RULES

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RULES

I. PURPOSE OF ASSOCIATION RULES

The rights and responsibilities of property owners within units IV, V, VI and VII of Clearwater Farms are governed, in order of importance, by applicable state law; by the Declaration of Conditions, Covenants and Restrictions (CCRs) of each unit; and by the Bylaws of this Association. Those rules describe the rights and responsibilities of property owners in very general terms.

The purpose of these Association Rules is to provide specific guidance to property owners concerning their rights and responsibilities regarding specific issues. These rules are authorized by section 8.5, subsection M, of the CCRs of each unit.

It is not the purpose of these rules to replace common sense or neighborly civility. It is hoped that each property owner will be kind to his or her neighbors and will overlook minor transgressions—especially for first time offenses or in situations where the offending party is working diligently to correct a problem. On the other hand, property owners should not take the kindness of neighbors for granted or expect them to accept poor or unfair treatment in violation of these rules.

II. IRRIGATION

A. Maintenance of Water Account

It is the responsibility of each property owner who wishes to receive irrigation to deposit funds in advance with the Association Treasurer. When the funds you have deposited have all been used, the Treasurer will send a notice to you that you have a negative balance (that is, you have overdrawn your water account). Please remit sufficient funds to the Treasurer to pay the negative amount and to pay your water needs for the next few months in advance by mailing payment to the Association at P.O. Box 191, Waddell, AZ 85355. Do not put payments in the box at the community bulletin board.

(Although you may pay small amounts to the Treasurer on a regular basis (for example, someone who orders two hours of water per month could pay \$15.00 in advance each month), if possible it is preferred that you pay for several months at a time. This reduces the number of transactions the Treasurer (who is a volunteer) must process and the number of trips to the bank the Treasurer must make.)

Any property owner who fails to pay sufficient funds to satisfy a negative balance in his or her water account so that it is received within 30 days after a statement has been mailed by the Treasurer will lose irrigation privileges until sufficient funds have been submitted.

B. Signing Up for and Committing to Irrigation

Sign up to receive water during an irrigation cycle by submitting a written request in the box at the community bulletin board on the east side of 185th Ave, just south of Maryland. Irrigation orders must be received before 6:00 p.m. on the Sunday before the irrigation cycle begins. (A list of the irrigation ordering deadlines may be found on the community bulletin board and on the community website at www.clearwaterfarmspoa.com.)

Once the irrigation ordering deadline has passed, orders are collected, tabulated, and called in to the Maricopa Water District. As a result, after the deadline has passed orders cannot be added or changed. You are responsible for receiving water that you ordered. If you cannot accept the water, it is your responsibility to make arrangements with a neighbor to accept it for you.

C. Turning Irrigation On

1. Irrigation Phases

Irrigation occurs in four phases, as follows:

- a. Phase 1 of irrigation begins at the property of the northern-most property owner to order irrigation during an irrigation cycle on the West side of 183rd Avenue, and continues southward to each subsequent person to order irrigation.
- b. Phase 2 of irrigation begins after the last person in Phase 1 has received irrigation, starts with the northern-most property owner to order irrigation on the east side of 185th Avenue, and continues southward to each subsequent person to order irrigation on the east side of 185th Avenue.

- c. Phase 3 of irrigation begins after the last person in Phase 2 has received irrigation, starts with the northern-most property owner to order irrigation on the west side of 185th Avenue, and continues southward to each subsequent person to order irrigation on the west side of 185th Avenue.
- d. Phase 4 of irrigation begins after the last person in Phase 3 has received irrigation, starts with the western-most property owner to order irrigation on the south side of Glendale Avenue, and continues eastward to each subsequent person to order irrigation on the south side of Glendale Avenue.

2. Responsibility of Every Irrigator to Determine Who Is the First Person To Receive Water During His or Her Phase of the Irrigation Cycle

It is the responsibility of each person who orders irrigation during a cycle to determine whether you will be the first person to receive water during your phase of the irrigation cycle. You may determine this by finding your line on the Irrigation Schedule and looking to see whether the word "Yes" appears in the column headed "First." If you are, see the descriptions of your responsibilities in item 3, below.

3. Responsibilities of the First Person to Receive Irrigation During Each Phase of an Irrigation Cycle

It is the responsibility of the first person who will receive water during each Phase of the irrigation cycle to do the following:

- a. A few moments before the time you are scheduled to begin to receive irrigation, open the irrigation valves on your property, and
- b. At the time you are scheduled to begin to receive irrigation, make certain all valves on Glendale Avenue are properly set to divert water to your property.

If you are not certain how to do this, it is your responsibility to contact the community Water Master (whose name appears on the community bulletin board and the community website) to learn how. (Please do this well in advance; the Water Master may not be available immediately before irrigation is scheduled to begin!)

4. Responsibilities of All Persons Who Receive Irrigation During a Cycle to Open Valves on Time

It is the responsibility of every person who receives irrigation during a cycle to make certain at least one valve on your property is opened at the time you are scheduled to receive irrigation. Unless you are the first person to receive irrigation in your phase (in which case you should follow the rules above), please do not open your valves early or you will take water away from the person who has purchased it in line before you. Do not open your valves late or you will require the person who is scheduled to receive water after you to wait or to take the other actions discussed below. Please make every effort to open your irrigation valve(s) **precisely at the scheduled time**. Use the time that displays on your cell phone.

D. Monitoring Irrigation

It is the responsibility of each property owner to make certain that water you receive stays on your property. Violation of this rule can destroy your neighbor's berms, limit what your neighbor can do with his or her property until water that has leaked from your property dries, make it difficult for your neighbor to determine how much irrigation he or she needs, and damage roads and alleys through erosion.

In order to prevent leaks, it is the responsibility of each irrigator to do all of the following:

1. During the period between irrigations periodically inspect your property for gopher tunnels or low berms and take appropriate steps to prevent leakage.
2. Inspect your property again immediately before you receive irrigation to check for potential leaks.
3. While you are receiving irrigation (and for as long as necessary after you have turned it off) check your property line regularly for leaks.
4. If there are leaks, take whatever steps are necessary on your property to stop them, such as by digging or stamping out gopher tunnels. You must remain there working on the problem as long as it takes to stop the leak.

These rules apply regardless of the time of day or night you receive irrigation.

E. Turning Irrigation Off

1. Generally

It is the responsibility of each irrigator to do both of the following:

- a. Make certain the person who is scheduled to receive irrigation after you has opened the valves on his or her property and, if so,
- b. Close all valves on your property within 10 minutes after your irrigation is scheduled to end. Your irrigation valves must then remain closed until the time you are next scheduled to receive irrigation. Leaving irrigation valves open may, among other things, cause the collapse of irrigation pipes!

2. If the Next Person Has Not Opened His or Her Valves

You may not close the irrigation valves on your property until you have verified that the person who is to receive irrigation immediately after you has opened one or more valves on his or her property. This rule is crucial. If you close your valves before the next person has opened his or her, pressure builds up in the lines and one or more pipes and/or valves may break! The cost of making repairs can be significant.

If the next person on the schedule has not opened his or her valves by the time your irrigation is scheduled to end, you may do any of the following at your discretion:

- a. Contact that person to remind him or her to open his or her valves and make certain he or she has done so, or
- b. Open the valves on the property of the next person scheduled to receive irrigation yourself, or
- c. Leave your valves open, accept the extra water, and wait for the person who is scheduled to receive irrigation after you to contact you about shutting off your water.

Under no circumstances may you close your valves without making certain the valves on the next property scheduled to receive irrigation have been opened.

3. Closing Your Valves

When closing your irrigation valve, tighten the cap firmly by hand or with a tool, but do not exert too much force. Shutting a valve too tightly can damage the valve assembly. If the valve still has a small leak after you have closed it, do nothing but check it later. If it is still leaking the next day, contact the Water Master.

F. Reporting Problems

1. Irrigation System Problems (i.e. Leaking or Broken Pipes, Insufficient Flow)

If you experience a problem with the irrigation system, please contact the following persons in the following order:

- a. The Water Master
- b. Any Assistant Water Master
- c. Any Board Member

The names, addresses and telephone numbers of the current Water Master, Assistant Water Master(s) and Board Members may be found on the community bulletin board and on the community website.

Examples of when you might want to contact one of the persons listed above include: Your water valve or someone else's water valve or an irrigation pipe is broken or leaking, or the water pressure appears to be low. (If the water pressure appears to be low, before contacting any of the persons listed above please take the steps outlined in section H. "Common Problems and Solutions," subsection 2. "Little or No Water Flow," below)

2. Problems with Other Irrigators

Please try to resolve problems directly with other irrigators before filing a complaint with the board of directors. It is hoped that neighbors working courteously with each other will not need board intervention. However, the reluctance of a neighbor to report a problem or of the board to get involved should not be used as an excuse for an irrigator to treat his or her responsibilities lightly.

If you cannot resolve a problem directly with another irrigator, report the problem (such as failure to turn on water at the scheduled time, failure to turn off water within ten minutes after the scheduled time, leaving irrigation valves open when not scheduled to receive irrigation, or failing to keep water on the other irrigator's property) in writing to any member of the board of directors. Please include, at a minimum:

- a. Your name and address,
- b. The names and addresses of the persons involved,
- c. The date and time of the incident,
- d. A description of the incident that is as clear and concise as you can make it, and
- e. An identification of any witnesses. If you have photographs, please include them.

G. Damages and Penalties

1. Damages

Any violation of these rules that results in damage to any part of the irrigation system (including, but not limited to, irrigation pipes and valves) may result in the violator being required to pay the actual costs of repairing such damages. In the event the damage was caused by more than one Irrigator (such as by one irrigator closing his or her valves without first verifying the next irrigator's valves have been opened at the scheduled time), the board may allocate damages between the violators based on the board's determination of fault.

2. Penalties

In addition to any damages, as described above, violations of any of the rules set forth above may result in the following penalties:

- a. First offense in a 12 calendar month period: A warning.
- b. Second offense in a 12 calendar month period: A penalty of \$50.00.
- c. Third and subsequent offenses in a 12 calendar month period: A penalty of \$50.00 and a termination of irrigation privileges until the violator has met with the board of directors and provided reasonable assurance there will be no further violations.

Damages and penalties may be deducted from the violator's water account. If draws the balance of your water account below zero, you will not receive irrigation until you have paid sufficient funds to achieve a positive balance.

H. Common Problems and Solutions

1. Forgot to Order Water By the Deadline

Please respect the 6:00 p.m. Sunday water ordering deadline. Placing late orders can make an already burdensome process even more complicated. As a result, orders cannot be accepted after the ordering deadline.

2. Little or No Water Flow

If the flow of water out of your valve appears weak, walk or drive up your street and see whether anyone who received irrigation before you left his or her valve open. If so, you may ask that person to close the valve, you may close the valve yourself, or you may choose to accept a lower water flow for that irrigation cycle.

Also, check to be sure the valves in the relevant box on Glendale are properly adjusted to divert water to your street. An open or leaking valve may reduce the flow of water to your property.

If that does not resolve the problem, only then contact the Water Master or any Assistant Water Master.

3. Water Leaking from an Irrigator's Property onto the Street or onto Your Property

If you see water leaking from another irrigator's property onto the street or your property, contact the irrigator first to try to resolve the problem. If you cannot contact the irrigator, or if the irrigator fails to stop the leak, and if the leak appears to be significant, contact the Water Master, any Assistant Water Master, or any board member. Allowing water to run into the street can cause erosion problems. It is also a waste of water during a time of drought. Allowing water to run onto a neighbor's property can cause extra work for that neighbor (repairing berms, pulling weeds, cleaning up after muddy pets) and/or limit that neighbor's use of his or her property.

III. WEED, GRASS, TREE AND SHRUB CONTROL

A. In General

The purpose of these Weed, Grass, Tree and Shrub Control Rules is to establish general standards maintenance of living and dead vegetation for property maintenance in order to promote safety, maintain property values, and promote a good standard of living for those who live in this Association, while still respecting the fact that this is a rural community and respecting to the extent possible the rights of each property owner to maintain his or her property as he sees fit.

These rules are adopted with the understanding it is not practical to be too precise in establishing what is a "weed" and what isn't, or what is "unkempt" and what isn't. These rules will be used as guidelines, but the board of directors accepts responsibility for making, and reserves the right to make, final determinations based upon the exercise of its best judgment.

B. Definitions

For purposes of these rules, the following definitions apply:

1. "Street" means 183rd Avenue, 185th Avenue, Glendale Avenue, Maryland Avenue and/or Bethany Home Road.
2. "Alley" means the roadway parallel to and between 183rd Avenue and 185th Avenue and the roadway running parallel to and west of 185th Avenue.

C. Weed, Grass, Shrub and Tree Maintenance Standards

1. Standards Applicable to All Portions of Each Property

As a general rule, the living and dead vegetation upon on each property in this Association shall be maintained so that it does not appear unkempt, impede the flow of water in ditches or pose a hazard to the irrigation system, cause a fire risk, or present a nuisance to adjacent properties. The rules that follow are intended to provide more specific guidance, but are not intended to limit this general rule.

2. Standards Applicable to Front Portion of Each Property

- a. For purposes of these rules, the "front portion of each property" refers to that portion of the property between the exterior wall or walls of the dwelling house facing any street and the street itself.
- b. All living and dead vegetation, including weeds, grasses, shrubs and trees in the front portion of each property that are within the 10 feet bordering the edge of each street shall be kept trimmed to a height of no more than 12 inches. However, upon request by the property owner the board may, in its discretion, provide an exemption for trees or shrubs which were in place before the date of these rules and that are kept neatly trimmed. No such exemption may be granted for trees or shrubs that pose a hazard to the irrigation system, impede the flow of water, or protrude over the edge of the street.
- c. Weeds and grasses in the front portion of each property not within the 10 feet bordering the street shall be kept trimmed to a height of no more than 12 inches.
- d. Trees in the front portion of each property shall be kept trimmed so that they do not extend over the edge of the street below a height of 13'6" above the street. Trees may extend over the edge of the street at a height of greater than 13'6" provided they do not present a safety hazard and are kept trimmed neatly.

3. Standards Applicable to the Back Portion of Each Property

- a. For purposes of these rules, the "back portion of each property" refers to all portions of each property other than the "front portion of each property," as defined above.
- b. All living and dead vegetation, including weeds, grasses, shrubs and trees in the back portion of each property that are within the 10 feet bordering the edge of each alley shall be kept trimmed to a height of no more than 18 inches. However, upon request by the property owner the board may, in its discretion, provide an exemption for trees or shrubs which were in place before the date of these rules and that are kept neatly trimmed. No such exemption may be granted for trees or shrubs that pose a hazard to the irrigation system, impede the flow of water, or protrude over the edge of the alley.
- c. Trees in the back portion of each property shall be kept trimmed so that they do not extend over the edge of the alley below a height of 13'6" above the alley. Trees may extend over the edge of the alley at a height of greater than 13'6" provided they do not present a safety hazard and are kept trimmed neatly.

4. Standards Applicable to Vacant Lots

- a. For purposes of these rules, a "vacant lot" is any parcel of property upon which a dwelling structure has not been built.
- b. All living and dead vegetation, including weeds, grasses and shrubs on vacant lots shall be kept trimmed to a height of no more than 18 inches. However, upon request by the property owner the board may, in its discretion, provide an exemption for shrubs which were in place before the date of these rules and that are kept neatly trimmed. No such exemption may be granted for trees or shrubs that pose a hazard to the irrigation system, impede the flow of water, or protrude over the edge of the alley. The board may also, in its discretion, provide an exemption for crops.

D. Enforcement

1. Efforts to Resolve Violation

Prior to taking any action to correct a violation or to assess penalties as described below, the board shall provide a letter to the property owner that complies with Arizona Statutes § 33-1241 at a minimum and that describes the violation, asks the property owner to correct the violation, and invites the property owner to meet with the board to discuss the violation. The letter shall be mailed to the property owner at least 30 days before the board takes action to correct any violation or to assess penalties.

2. Damages

Any violation of these rules that results in damage to any person or property, including, but not limited to, the irrigation system, may result in the violator being required to pay the actual costs the Association may incur in making such person or property whole and/or in repairing the irrigation system whether or not a letter as described in section D.1., above, has been sent.

3. Repairs by Board or Penalties

In the event any violation is not corrected within 30 days after a letter as described in section D.1., above, has been sent, the board may, in its discretion and best judgment, either hire a third party to correct the violation and require the property owner to pay the cost of hiring the third party, or assess penalties of \$10.00 day until the property owner corrects the violation. The purpose of any penalties shall be to encourage the property owner to correct the violation, not to punish the property owner. In making the decision to hire a third party or to assess penalties, the board shall take into consideration at least the following:

- a. Whether a third party is available for hire to correct the violation.
- b. The extent to which a third party would be required to enter onto the property in order to correct the violation. For example, a violation that exists in an unfenced area near a street or alley would be more likely to warrant a decision to hire a third party to correct the violation, but a violation that exists far from the street or alley or in a fenced area may be more likely to warrant monetary penalties.

- c. The cost of hiring a third party to correct the violation.
- d. The extent to which a third party hired to correct the violation would be exposed to a hazard.

4. Court Order

In an appropriate situation the board may, in its discretion, seek an order of an appropriate court requiring the property owner to correct the violation and/or requiring the property owner to provide access to a third party hired by the Association to correct the violation and may, to the extent permitted by law, require the property owner to pay the costs and attorneys fees incurred in obtaining such court order.

E Discretion of the Board

It is intended that the board shall have the widest latitude permitted by the CCRs and applicable law to take into account the individual circumstances of each property and property owner. Although the board should generally act consistently with respect to all property owners and property violations, when determining the appropriate course of action the board may consider:

1. Whether any other property owner or owners have complained and, if so, the proximity of the complaining property owners to the property in question. Greater deference should be given to complaints by multiple property owners than to a complaint by a single property owner, to complaints by neighbors than to a complaint by a property owner located some distance away, and to a complaint made in writing by a property owner who will be identified than to a property owner who complains orally and wishes to remain anonymous, although the board may consider and act upon any such complaints.
2. Whether the violation presents a risk of harm to person or property.
3. Whether the property owner has been notified of violations previously and, if so, how frequently, and whether penalties were imposed or a third party was hired to correct previous violations.
4. The extent to which it appears to the board that the property owner is attempting to comply in good faith with these rules and the CCRs.

The foregoing considerations are not intended to limit the board's ability to act in its best discretion, but only to provide guidance.