

**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. Please maintain sufficient funds in your account to pay your water needs for the next few months by mailing payment to the Association at P.O. Box 191, Waddell, AZ 85355 in advance of ordering. 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 does not have sufficient funds to in his or her water account to pay for an irrigation order may be denied irrigation.

### **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](http://www.clearwaterfarmspoa.com).)

You may only order water for property that you own or (with the owner's permission) rent. You may not share water that has been ordered through your account with any other property. If you

wish to assist a neighbor with irrigating a neighbor's property, the water that is to go on that property must be ordered through that neighbor's account. Violating this rule may, at the discretion of the board, result in a loss of irrigation privileges.

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: A warning.
- b. Second offense: A penalty of \$25.00, to be deducted from the owner's irrigation account.
- c. Third and subsequent offenses: A penalty of \$50.00, to be deducted from the owner's irrigation account, 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. VEGETATION 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.

## **IV. REFUSE CONTROL**

### **A. Burning of Rubbish and Vegetation**

No burning of rubbish or of dead or live vegetation (including, but not limited to, leaves and branches) shall occur within 30 feet of any property line, nor shall any such burning occur under any circumstances that present a risk the fire may spread to any . of the neighboring property. An adult equipped with the means to control and to extinguish the fire (such as with a garden hose connected to a live water supply, a fire extinguisher of sufficient capacity, or bulldozing equipment) shall be present at all times in close proximity to any burning of rubbish or of dead or live vegetation to supervise such burning.

Nothing in this rule is intended to excuse or authorize the burning of rubbish or of dead or live vegetation under circumstances prohibited by applicable law.

Because this rule is intended to promote safety and to prevent damage to property and injury to persons, violations shall result in a penalty of \$100.00 without first warning.

## **V. USE OF FIREWORKS**

The use of any fireworks of any kind in a manner prohibited by any applicable local, state or federal law, regulation, or ordinance shall be considered a nuisance in violations of the CCRs.

Because of the potential harm to persons or property that may arise from such use, and because all individuals are already presumed to know all applicable laws and the importance of abiding by them, a penalty of \$500.00 shall be assessed against any property owner who a majority of the board, based on evidence that majority of the board finds persuasive, believes used or permitted the use of fireworks in violation of this rule.

An additional penalty of \$500.00 shall be assessed against any such person who continues to use or permit the use of fireworks in violation of this rule after having been verbally warned to stop by any board member. The total penalties imposed upon any property owner under this rule shall not exceed \$1,000.00 for actions occurring within a 24-hour time period. Penalties may be imposed under this rule based on the judgment of a majority of the members of the board, whether or not action is taken by law enforcement or other government entity.

## **VI. VIOLATION SCHEDULE**

### **A. Reason for Fine Schedule:**

The purpose of the General Fine Schedule is to promote compliance with the Association's Rules, CC&Rs, and By-Laws—not to generate income for the Association. It establishes a consistent and transparent framework for enforcing violations and imposing fines in cases where specific penalties are not already defined within the governing documents.

### **B. Notice of Violation:**

1. A warning letter will be mailed to the address of the property in violation and any alternate address provided by the property owner for official correspondence. Notices are deemed effective when sent to the address provided by the property owner for official correspondence, regardless of whether the property owner actually receives the notice. It is the property owner's responsibility to provide and maintain accurate contact information with the board. The association is not responsible for undelivered notices due to outdated contact information.
  1. The warning letter will include:
    - a. The specific CC&R, By-Law, or Association Rule that has been violated.
    - b. The date and time the violation was observed.
    - c. The name of the person or persons who observed the violation.
    - d. The process the property owner must follow to contest the notice.
  3. The warning letter will be considered received 5 business days after being mailed via U.S.P.S. first-class mail.

4. A 21-calendar day cure period will be observed after the letter is considered received for the property owner to:

a. Cure the violation, or

b. Contact the board in writing to request a meeting to discuss or dispute the violation.

5. A request to be heard must be sent via Certified Mail to:

Clearwater Farms Property Owners Association, Units IV, V, VI, VII,  
P.O. Box 191  
Waddell, AZ 85355

The property owner should retain proof of mailing (tracking number or receipt).

6. The board will have 10 calendar days from the certified letter's receipt to respond. If the board fails to respond within 10 calendar days, the property owner cannot be fined for the violation unless:

a. A new warning letter is mailed,

b. A 21-calendar day cure period is observed, and

c. The process to request a hearing is followed again.

### **C. FAILURE TO CORRECT VIOLATION**

#### 1. Initial Fine

If the violation is not cured and no response is received within 21 calendar days after the warning letter is considered received pursuant to Section B(3) above, a fine of \$100.00 will be imposed, and a written notice of the fine will be mailed to the property owner.

#### 2. Second Fine (Escalation)

If the violation remains uncured after 30 calendar days from the first fine notice, an additional fine of \$250.00 will be imposed, and another written fine notice will be mailed.

#### 3. Third Fine (Further Escalation)

If the violation persists after 30 additional calendar days, an additional fine of \$500.00 will be imposed, and a third fine notice will be sent.

#### 4. Ongoing Monthly Fines

If the violation remains unresolved after 90 days, a monthly fine of \$500.00 will be imposed until the violation is cured.

5. Fine Cap

The total fines imposed for any single violation shall not exceed \$1,500.00, not including late fees. If a violation remains unaddressed for 6 months, legal remedies may be pursued to enforce the violation.

6. Proration Policy

Monthly fines will not be prorated if the violation is corrected mid-month, except if resolved within 10 calendar days of the billing cycle.

7. Hearing and Hardship Requests

Property owners may request a hearing before the board to dispute violations, request payment plans, or seek extensions due to hardship or extenuating circumstances.

8. Fine Payments

Payments will be applied to the oldest outstanding fine first. Payment of fines alone does not close the matter unless the violation is also corrected.

9. Board Discretion

The board may use reasonable discretion to delay enforcement or impose a fine based on hardship or extenuating circumstances. Failure to enforce a violation or impose a fine in one instance does not waive the board's right to enforce a future violation for the same issue or to impose a fine.

**D. PROPERTY OWNERS' RIGHTS**

The association shall not proceed with any action to enforce the community documents, including the collection of attorney fees, unless the following information has been provided to the property owner:

1. A provision of the community documents that have allegedly been violated,
2. The date and time of the violation or the date and time the violation was observed.
3. The name of the person or persons who observed the violation.
4. The process the property owner must follow to contest the notice.

In addition, the property owner may petition for a hearing with the Arizona Department of Real Estate pursuant to A.R.S. § 32-2199.01 if the dispute is within the jurisdiction of the Arizona Department of Real Estate as prescribed in A.R.S. § 32-2199.01.

**E. LATE FEES AND PENALTIES**

1. A payment for a fine will be considered late if not received by 15 calendar days of notice.



2. A late fee will be added to the fine if not received within 15 calendar days of notice.
3. Late fees will be \$15.00 or 10% of fine, whichever is greater.

#### **F. REPEAT AND HABITUAL VIOLATIONS**

1. Repeat Violations (Within 45 Days)

If a violation is observed, a warning letter is sent, and the violation is cured, the cure date will be recorded in association records. If the same violation re-occurs within 45 calendar days, it will be treated as a continuation of the original violation and fines will escalate with a new warning letter. A fine notice will be mailed based on the escalation schedule.

2. New Violations (After 45 Days)

If the same violation re-occurs after 45 calendar days from the cure date, it will be treated as a new violation. A new warning letter will be sent, and fines will follow the standard fine schedule as outlined.

3. Habitual Violations

A violation will be classified as habitual if:

- a. It has been observed and noticed 3 or more times within a 12-month period, and
- b. The board determines that the violation shows a pattern of non-compliance rather than isolated occurrences.

Habitual violations will be handled as other violations, except that:

- i. The first notice will include the dates of prior violations within a 12-month period as well as a warning that, if not cured within the cure period, fines will be doubled.
- ii. Fines for habitual violations will be double the stated fines in the general fine schedule, up to a maximum cumulative fine of \$2,000.00. If a violation remains unaddressed beyond 3 months, legal remedies may be pursued to enforce the violation.

4. Reset Period

A violation will no longer be considered habitual if it has remained cured for 12 consecutive months.

5. Board Discretion

The board may use reasonable discretion to delay enforcement or escalation for violations related to seasonal changes, weather conditions, ongoing efforts to cure the issue, or other exigent circumstances.

Decisions must be documented in association records to ensure fairness and consistency. Failure to treat a violation as habitual in one instance does not waive the board's right to treat a future violation for the same issue as habitual.

VII to VIII. *RESERVED*

## **IX. ARCHITECTURAL CONTROL COMMITTEE**

### **A. Purpose**

The purpose of the Architectural Control Committee (“ACC”) is to review applications submitted by property owners requesting approval of plans to build structures (including, but not limited to, residences, barns, outbuildings and fences) within the community in accordance with these rules and the CCRs.

### **B. ACC Membership and Term of Office**

Members of the ACC shall be appointed by the board of directors to one-year terms coinciding with the calendar year. A member of the ACC may be removed before expiration of his or her term only for good cause, which shall include, but not be limited to, repeated failure to attend ACC meetings.

### **C. ACC Meetings and Decision-Making Process**

#### **1. Meetings and Notice of Meetings**

All deliberation and decisions regarding matters before the ACC shall occur at meetings which are open to any property owner and may be recorded by any person in attendance. To facilitate this, the chair of the ACC shall give written notice of any such meeting of the ACC to the Secretary and to the webmaster of the Association at least 7 days before the meeting is scheduled to occur, and the Secretary and webmaster shall post a notice of such meeting to all property owners on the community bulletin board on 185th Ave. and on the community website at least 3 full calendar days prior to any such meeting.

In order to qualify as a valid meeting, both of the following conditions must be satisfied:

- a. A quorum of at least 51% of the current members of the ACC must be in attendance in person or by live telephone or Internet audio connection through which all ACC members can simultaneously hear each other, and
- b. A physical location must be provided where property owners wishing to do so may come to attend the meeting and may hear and be heard by all board members and other property owners in attendance at the meeting.

#### **2. Decisions**

A decision of the ACC shall require the affirmative vote of 51% of the total number of current ACC members. For purposes of clarity, if there are five members of the ACC a decision requires the affirmative vote of three members. If only three members attend a meeting, all must vote in favor of the decision in order for it to be binding.

3. Notice of Decisions

The Chair of the ACC shall provide notice of each decision of the ACC in writing directly to the property owner who requested the decision within the time required by the CCRs and shall provide a copy of such notice to the president and to the secretary of the Association within two calendar days thereafter.

4. Resubmission of Requests for Approval

Any property owner whose Request for Approval was denied because of a lack of information may resubmit such Request for Approval for reconsideration provided the resubmitted request includes the information the ACC asked for.

5. Appeal of ACC Decisions

Any property owner who wishes to appeal a decision of the ACC may do so by providing a written notice of appeal to the board of directors. The notice of appeal shall state the reasons why the property owner believes the decision of the ACC was wrong and shall include copies of all documents submitted by the property owner to the ACC and of all documents provided by the ACC to the property owner. During the time the board of directors is considering the appeal, the decision of the ACC shall remain in effect.

**D. Processing of Requests for Approval**

A request for approval by property owner for approval of plans to build a structure shall be processed as follows:

1. The property owner shall provide a written Request for Architectural Approval (“Request for Approval”) using a form approved by the Association as set forth in subsection F, below as follows:
  - a. The Request for Approval must describe the structure to be built. Property owners are encouraged to submit as much detail as possible, including plans or drawings, in order to increase the chances for approval and speed up the approval process.
  - b. The Request for Approval must include both a telephone number and a mailing address where the property owner may be contacted.
  - c. The Request for Approval must be mailed to the ACC at the address for the Association shown on the Association website. A Request for Approval will be deemed “submitted” two business days after it is postmarked.
2. Upon receipt of a Request for Approval, the Chair shall schedule a meeting of the ACC to be held (with notice to all property owners as set forth in C.1., above) within 30 days after such submission. At such meeting the Chair of the ACC shall describe the structure to be built to the members of the ACC and to the property owners in attendance and shall allow a reasonable time for members of the ACC and the property owners in attendance to ask questions and voice opinions. Afterwards, the ACC shall take one of the following actions:
  - a. Approve the request as submitted.

- b. Approve the request subject to conditions, which conditions shall be clearly stated.
  - c. Deny the request either because it does not meet the standards set forth in these rules or in the CCRs or because the request lacks sufficient detail and information to allow its approval.
3. Within 7 days after conclusion of the meeting of the ACC as described above, the Chair of the ACC shall notify the property owner who submitted the Request for Approval of the ACC's decision in writing and shall provide a copy of such writing and of the Request for Approval to both the President and the Secretary of the Association.

In the event the request is denied, the written decision shall state specifically which provisions of these rules or of the CCRs the proposed structure would violate and/or the specific further information the property owner should submit in order to have the Request for Approval reconsidered.

When requesting additional information, the ACC should ask only for such information as it believes to be reasonably necessary to determining whether the external appearance and size of the structure or fence to be built will fit well within the community and whether the external appearance and size of the structure or fence will have a negative effect on property values.

#### **E. Standard of Review**

1. In General

The purpose of the ACC is to ensure that structures (including, but not limited to, residences, barns, outbuildings and fences) built within the Association preserve a harmonious design for the community and preserve the values of all homes within the community.

It is not the function of the ACC to determine whether structures or fences are properly engineered, are structurally sound, or might look better if they were designed differently.

When reviewing an application, the ACC shall consider:

- a. Does the structure meet the minimum standards set found in Section E.2.?
- b. Does the external appearance and size of this structure fit well within this community?
- c. Will the external appearance or size of this structure have a negative effect on property values within this community?

2. Minimum Standards

The following are the minimum standards that must be satisfied for all new structures approved after January 31, 2024:

- a. Construction. All single family residences must be framed and finished on premises. This shall preclude, among other things, mobile homes, manufactured homes, modular homes and prefabricated homes.
- b. Height. Structures may not have a height of more than thirty (30) feet or more than two (2) stories.

c. Set Backs. No structure of any kind shall be approved to be constructed or constructed in violation of any Maricopa County set back requirements or within the Front Yard Set Back, Rear Yard Set Back, or Side Yard Set Back described below, whichever is more strict.

1) For purposes of this rule, the following definitions apply:

- a) "Front Yard" shall be that portion of the property between the primary residence structure and any adjoining Named Street.
- b) "Rear Yard" shall be that portion of the property between the primary residence and any alley.
- c) "Side Yard" shall be that portion of the property between the primary residence and any property line that is not within a Named Street or an alley.
- d) "Named Street" shall include 183<sup>rd</sup> Ave., 185<sup>th</sup> Ave., Glendale Ave., Maryland Ave., and Bethany Home Road.

1) One Acre Parcels

- a) The Front Yard Set Back shall have a depth of at least forty (40) feet, measured from the middle of any adjoining Named Street.
- b) The Rear Yard Set Back shall only be required to satisfy whatever requirements are imposed by Maricopa County.
- c) Each Side Yard Set Back shall have a depth of at least ten feet, measured from each side property line.

2) Two Acre Parcels

- a) The Front Yard Set Back shall have a depth of at least forty (40) feet, measured from the middle of any adjoining Named Street.
- b) The Rear Yard Set Back shall only be required to satisfy whatever requirements are imposed by Maricopa County.
- c) Each Side Yard Set Back shall have a depth of at least the following:
  - (1) For the portion of the Side Yard that is within three hundred (300) feet of the middle of any adjoining Named Street, the Side Yard Set Back shall have a depth of at least thirty (30) feet, measured from each side property line.
  - (2) For the portion of the Side Yard that is more than three hundred (300) feet from the middle of any adjoining Named Street, the Side Yard Set Back shall have a depth of at least ten (10) feet, measured from each side property line.
  - (3) Notwithstanding (1) and (2), immediately above, any Side Yard that adjoins the property line of a one-acre parcel shall have the same set back requirements as the Side Yard Set Back for that adjoining one-acre parcel.

2) Three Acre Parcels

- a) The Front Yard Set Back shall have a depth of at least forty (40) feet, measured from the middle of any adjoining Named Street.
- b) The Rear Yard Set Back shall only be required to satisfy whatever requirements are imposed by Maricopa County.
- c) Each Side Yard Set Back shall have a depth of at least the following:
  - (1) For the portion of the Side Yard that is within three hundred (300) feet of the middle of any adjoining Named Street, the Side Yard Set Back shall have a depth of at least thirty (30) feet, measured from each side property line.
  - (2) For the portion of the Side Yard that is more than three hundred (300) feet from the middle of any adjoining Named Street, the Side Yard Set Back shall have a depth of at least ten (10) feet, measured from each side property line.
- d. Square Footage. Single family residences must have at least 1600 square feet of livable area. Garages, externally entered storage rooms, open entryways, areas not permanently roofed, open atriums, or any other areas not deemed livable shall not be included in this 1600 square feet.
- e. Garages/Carports. All homes shall have garages or covered carports.

Out Buildings: Must be approved by the ACC prior to submitting to the County Zoning Ordinance and you have a county permit.

Exterior finish guidelines (including ALL outbuildings): All exterior construction materials shall be roofed, painted, varnished, stained, stucco, coated, or otherwise finished in a pleasing and acceptable manner within 45 days of basic exterior completion or within 45 days to final inspection, whichever comes first.

Fencing requirements: All fencing shall be constructed of new material or the equivalent thereof and of such height and strength to adequately contain any and all permitted livestock or animals. All fences shall be maintained appropriately and approved by the ACC.

Completed construction: If not otherwise mentioned in these guidelines, the appearance of all exterior items must be acceptable, esthetically appealing and basically an attractive addition to the neighborhood as defined by the ACC.

If you plan to build your own home or subcontract the work, the exterior of the home must be completed within eighteen (18) months from the date of permit. (see exterior finish guidelines)

**F. Forms**

1. Request for Architectural Approval

**Clearwater Farms Unit IV, V, VI and VII Property Owners Association**

**Request for Architectural Approval**

Name:

\_\_\_\_\_

Property Address: \_\_\_\_\_, Waddell, AZ 85355

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

Provide a description of the request in detail, with additional pages and drawings, as necessary. Please include the type of materials to be used, color(s), dimensions of structure or other improvement and location on the lot, as applicable.

Estimated completion date: \_\_\_\_\_

Submit to: **Clearwater Farms Property Owners Association**  
**P.O. Box 191**  
**Waddell, AZ 85355**

Homeowner agrees not to proceed with the proposed improvement/modification until written approval by the Architectural Control Committee has been received by the applicant.

Signature of Homeowner:

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

The above described improvement/modification is:

\_\_\_\_\_ Approved; \_\_\_\_\_ Disapproved; \_\_\_\_\_ Approved subject to the following conditions:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Authorized Architectural Control Committee Representative

\_\_\_\_\_  
Decision Date

## RULES ADOPTION AND REVISION HISTORY

- 4.14.2014 Added Sections "I. PURPOSE OF ASSOCIATION RULES" and "II. IRRIGATION."
- 12.1.2014 Added Section "III. WEED, GRASS, SHRUB AND TREE MAINTENANCE."
- 3.7.2016 Added Section "IX. ARCHITECTURAL CONTROL COMMITTEE."
- 4.4.2016 Section III "WEED, GRASS, SHRUB AND TREE CONTROL" renamed "VEGETATION CONTROL."
- 5.5.2016 Minor amendment to Section IX. ARCHITECTURAL CONTROL COMMITTEE, subsection E, to eliminate requirement that outbuilding plans be approved by the ACC before being submitted for approval to the county. Adoption of "Request for Architectural Approval" form as subsection F to Section IX.
- 9.24.2018 Added Section "IV. A. Burning of Rubbish and Vegetation."
- 12.23.2019 Amended Section II (Irrigation), G (Damaged and Penalties), 2 (Penalties).
- 6.24.2024 Amended Section II (Irrigation), A (Maintenance of Water Account) to clarify that an irrigation order may be refused if the owner's account does not have sufficient funds to pay for it.
- " " Amended Section II (Irrigation), B (Signing Up for and Committing to Irrigation) to clarify that irrigation ordered by a property owner must remain on that property owner's land. One property owner may not share irrigation with another.
- " " Added Section "V. USE OF FIREWORKS" to impose penalties for the use of fireworks prohibited by federal, state or local law.
- " " Amended Section IX (Architectural Control Committee), E (Standard of Review, 2 (Minimum Standards) to revise setback requirements
- 3.05.2025 Added Section "VI. Violation Schedule."