

SUNBIRD GOLF RESORT

RULES AND REGULATIONS

6250 S. SunBird Boulevard
Chandler, AZ 85249

Revised January 2017

Ages For Use Of Amenities

SunBird Golf Resort

<u>Amenity</u>	<u>Age Limitations with Adult Supervision</u>
Jacuzzi	14 thru 17
Fitness Room	14 thru 17
Pool Tables	14 thru 17
Basketball	14 thru 17
Bocce Ball	14 thru 17
Horseshoes	14 thru 17
Pickle ball	14 thru 17
Shuffleboard	14 thru 17
Tennis	14 thru 17
Ping Pong Table	14 thru 17
Clubhouse Swimming Pool	14 and under
Small Pool - Adults only	

Please follow the published age limits for any amenities not mentioned above.

You must have a valid driver's license to operate a golf cart within SunBird.

SunBird Golf Resort Homeowners Association
Rules and Regulations
Revised January 2017

Table of Contents

MISSION STATEMENT	1
Definitions.....	1
General Information.....	1
ARTICLE I - PURPOSE AND SCOPE	3
Section 1 - Purpose	3
Section 2 - Effective Date	3
Section 3 - Official Copy of the Rules and Regulations.....	3
Section 4 - Homeowners, Tenants, or Guests	3
Section 5 - Enforcement - Non-Homeowners/Tenants.....	4
Section 6 - Service of Notice	4
Section 7 - Appeals	4
Section 8 - Suspension of SunBird Privileges	4
Section 9 - Authority of any Committee.....	5
Section 10 - Code of Conduct.....	5
ARTICLE II - TRAFFIC REGULATIONS.....	6
Section 1 - Recreation Vehicles & Trailers as defined by CC&R's 2.5	6
Section 2 - Traffic Rules	7
Section 3 - Vehicle and Golf Cart Registration	9
ARTICLE III - PATROL AND GATE CONTROL.....	9
Section 1 - General.....	9
Section 2 - Authority.....	9
Section 3 - Availability	10
Section 4 - Policy	10
Section 5 - Enforcement.....	10
Section 6 - Gate Control	11
ARTICLE IV - SWIMMING POOL RULES.....	11
Section 1 - Main Pool, Adult Pool, Jacuzzi	11

Section 2 - Rules of the Pools and Jacuzzi	11
ARTICLE V - SUNBIRD FACILITIES	12
Section 1 - Clubhouse General	12
A - Clubhouse Hours.....	12
B - Identification Cards	13
C - Dress Code	13
D - Trespassers.....	13
Section 2 - Special Events.....	14
A - Homeowner and Tenant Functions	14
B - Instructional Activity	14
C - Ballroom Scheduling.....	14
D - Multipurpose Room Scheduling	15
Section 3 - Use of Rooms	15
A - Ballroom	15
B - Clubhouse Entrances	16
C - Library/Puzzle Room	16
D - Fitness Room	16
E - Pool Tables.....	16
Section 4 - Clubhouse Signage	17
Section 5 - Outside Facilities	17
A - Shuffleboard Courts	18
B - Tennis Courts	18
C - Horseshoe Pits.....	18
D - Basketball Standard	19
E - Pickle Ball	19
F - Bocce Ball Courts.....	19
G - Patio	19
H - Laundry Room	19
Section 6 - Safety	20
Section 7 - Garage, Yard and Estate Sales.....	20
Section 8 - Open House Signs	20
Section 9 - For Sale/For Rent Signs.....	20

Section 10 - Political Signs	21
Section 11 - Smoking Restrictions.....	21
Section 12 - Alcohol Restrictions	21
ARTICLE VI - GOLF COURSE.....	21
Section 1 - Ownership.....	21
Section 2 - Homeowners Responsibility.....	22
ARTICLE VII - COMMON AREAS.....	22
ARTICLE VIII - PET CONTROL.....	23
ARTICLE IX - NOISE DISTURBANCE	23
ARTICLE X - HOMEOWNERS AND TENANTS	24
Section 1 - Occupancy	24
A - Age Restriction Policy	23
B - Owners	24
C - Renter	25
E - Enforcement	25
F - Variance Process.....	26
G - Grandfather Clause	26
Section 2 - Homeowner Identification Cards.....	26
Section 3 - Associate Members.....	27
Section 4 - Rental/Lease Property.....	27
Section 5 - Guests	28
Section 6 - Local Guest Policy.....	28
Section 7 - SunBird Dance Policy	28
A - SunBird Sponsored Dance	28
B - Homeowner/Tenant Sponsored Dance (Free).....	29
ARTICLE XI - APPEAL AND HEARING PROCEDURES	28
Section 1 - Appeal Procedure	28
Section 2 - Hearing Procedure	30
ARTICLE XII - FINE SCHEDULE.....	30
Section 1 - Monetary Penalties	30

MISSION STATEMENT

SunBird homeowners, tenants and guests should conduct themselves in such a manner as to reflect pride in our community and respect for the rights of others as we share the benefits and privileges of living in SunBird.

The intent of these Rules and Regulations is:

To preserve and protect the lifestyle of our community.

To maintain and enhance its values, beauty, unity and service to property homeowners, tenants, and guests.

To assure continuity of a community where friendliness, cooperation and respect for the rights of others will prevail.

DEFINITIONS

ACC – Architectural Control Committee

Associate Member - Shall mean a person(s) over the age of 19 visiting or staying in a home more than 30 days in a calendar year.

CC&R's – Covenants, Conditions and Restrictions

Guests - Shall mean a visitor of a tenant for a period of up to 30 days within a one year period of time

Hirees – Shall mean an individual(s) or company hired to do work for the tenants or the H.O.A.

H.O.A. – Shall mean SunBird Golf Resort Homeowners Association.

Homeowner - Shall mean the person(s) recorded on the deed.

Tenants – Shall mean any occupant or anyone who stays at a SunBird home for more than 30 days within a one year period of time, such as, but not limited to, a renter, lessee or guest.

GENERAL INFORMATION

The Rules and Regulations for SunBird Golf Resort (hereinafter referred to as “SunBird”) have been carefully considered and adopted for the community, the clubhouse, the swimming pools, tennis courts and all other facilities except the golf course. (**refer to ARTICLE VI - Golf Course, Page 21**) Amendments, deletions or additions submitted through the Rules Compliance Committee may be implemented as approved by the Board of Directors of the H.O.A. These Rules and Regulations shall be binding on homeowners, tenants, guests, and

hirees when they are present within SunBird. Compliance with these rules will enable each of us to enjoy the benefits of our community and its facilities.

The SunBird community facilities and amenities are managed by the General Manager. Use of any of the facilities, other than the golf course, is limited to authorized homeowners, tenants, and guests who have been issued SunBird membership or guest passes.

1. SunBird is a private community and solicitation is not allowed. This includes the distribution of fliers, business cards and any other type of advertising whether it is door to door, placed on motorized vehicle or given to an individual. Any organization or club of SunBird may request a donation at the entrance to an event or sell tickets. Signs for clubs or organizations must be professional in nature and in good taste advertising an activity or event inviting SunBird homeowners, tenants, and guests to attend. The SunBird H.O.A. and SunBird Golf Club, Inc. may advertise anywhere within this community as approved by the General Manager.
2. Property and equipment belonging to SunBird are not to be removed from the facilities without the permission of the General Manager. The maintenance areas are off-limits to homeowners, tenants, and guests unless accompanied by an authorized employee.
3. SunBird is not responsible for the loss of personal property from the facilities.
4. **Alcoholic beverages may not be brought into the clubhouse building unless they were purchased through the SunBird Bar.** (refer to **ARTICLE V, Section II. – Alcohol Restrictions - Page 21**)
5. Smoking is not permitted within any of the SunBird buildings at any time. Smoking is not allowed within the fenced areas of either pool or Jacuzzi.
6. Guns or weapons of any other type are not permitted within any SunBird building.
7. The SunBird community is located within the city limits of Chandler, and the City of Chandler Police provides support to the SunBird Patrol. The City of Chandler Police may be called to handle vehicle law violations and other police matters. All homeowners, tenants, guests, and hirees are

obligated to obey all Arizona State and the City of Chandler vehicle laws while on SunBird property.

Members are encouraged to offer suggestions on ways that SunBird can be further improved. Suggestion/comment sheets are available near the office in the clubhouse. Suggestions may be directed to the Board of Directors, the General Manager, or the Rules Compliance Committee. Suggestions should be made in writing, including signature, address and telephone number. They will be forwarded to the Board and/or the appropriate committee or staff for review.

ARTICLE I – PURPOSE AND SCOPE

Section 1. – Purpose

These Rules and Regulations are a supplement to the Covenants, Conditions and Restrictions (CC&R's) of SunBird Golf Resort Homeowners Association (HOA) and the Architectural Control Committee (ACC) Guidelines, and provide policies for the use of the common areas and facilities, the personal conduct of homeowners, tenants, guests, and hirees and to establish penalties for infractions.

Section 2. – Effective Date

These Rules and Regulations and any subsequent amendments shall be effective as of the date they are approved by the Board of Directors unless a later effective date is established. They may be amended or repealed in whole or in part by a vote of the majority of the Board of Directors.

Section 3. – Official Copy of the Rules and Regulations

The Board of Directors of the Association shall maintain a current and accurate set of the Rules and Regulations which shall be available for inspection by Association homeowners, tenants, guests, and hirees who lawfully use any of the SunBird facilities.

Section 4. - Enforcement - Homeowners, Tenants, or Guests

The General Manager of SunBird and his/her designee, or the SunBird Patrol, will issue citations for violations of the Rules and Regulations. The first citation will be a warning and will result in a Service of Notice for the record with no fine. Information regarding the infraction will appear on the citation. A second

infraction of the same rule will cause a citation to be issued which will result in a Service of Notice subjecting the offender to a fine. A recommended suspension of SunBird privileges for one or two months may be added depending on the conditions involved. The third infraction of the same rule will cause a citation to be issued resulting in a Service of Notice subjecting the offender to an additional fine. A recommended suspension of SunBird privileges for up to 60 days may be added depending on the condition involved. For each additional repeated offense, the fine will double that of the previous offense and/or recommend suspension of SunBird privileges accordingly.
(REFER TO ARTICLE XII – Fine Schedule - Page 31)

Section 5. – Enforcement – Non-Tenants

A first-offense violation by a non-tenant or hiree will result in a warning. The second violation and subsequent violations will result in the same dollar fine as for tenants and a possible rescinding of the privilege of entering SunBird.
(REFER TO ARTICLE XII – Fine Schedule - Pages 30 and 31)

Section 6. – Service of Notice

A Service of Notice to any person or entity shall be sent by first-class mail to the last known address as shown on the records of the H.O.A., or by personal delivery to the person or entity shall be deemed sufficient notice.

Section 7. – Appeals

Any individual has the right to appear before the SunBird Rules Compliance Committee to appeal any written citation from the SunBird Patrol or H.O.A. office which directly affects them. A second appeal may be made to the Board of Directors. The Board of Directors decision shall be binding on all parties. Exception: **Failure to appear at a scheduled hearing will result in forfeiture (fine) and shall end the appeal process, no appeal to the Board of Directors.**

Section 8. – Suspension of SunBird Privileges

Suspension of SunBird privileges as a result of a rule violation does not mean there will be any resultant change in the annual dues required of the Homeowner. No rebates will be considered.

Section 9. – Authority of any Committee

Any authority granted to any committee under these Rules and Regulations may be exercised only by a majority of the members thereof.

Section 10. – Code of Conduct

The HOA strives to manage, maintain and operate the facilities, common grounds, operations and activities within the community in good order. Directors, committee members, employees of the HOA and hired contractors are continually striving to achieve this goal. Directors, committee members, employees of the HOA and hired contractors are expected to be professional and use courtesy when working or conducting business with homeowners, tenants, and guests. Homeowners, tenants, guests, and hirees are also expected to display this same type of courtesy and respect to Directors, committee members, employees of the HOA, hired contractors and each other.

If a homeowner, tenant, guest or agent does not approve of any service or lack thereof, activity, maintenance or treatment by any Director, committee member, employee or contractor of the HOA, he/she should report in writing in full detail of the matter including signature, address and telephone number. Letters may be submitted to the HOA office to the attention of the Board of Directors. Any such complaint shall be dealt with by the Board in an executive session with a written report to the complainant.

Homeowners, tenants, guests or agents shall not confront Directors, committee members, employees or contractors of the HOA with any physical contact, verbal or written threats, aggressive gestures, offensive language or actions, or any other form of harassment.

Nor shall any tenant confront a homeowner or any other person by physical contact, verbal or written threats, aggressive gestures, offensive language or actions, or any other form of harassment, when on/or in any common area of SunBird.

Directors, employees, contractors, tenants, guests or agents shall, when using the common area property and/or facilities, abide by the rules and regulations and treat such property with respect and good care.

If any homeowner, tenant, guest or agent engages in such behavior, and the behavior is observed and reported in writing to the Board of Directors, after a

hearing before the Board and a finding of guilt, may impose sanctions against the homeowner, guest, tenant, which may include, but not limited to, suspension of privileges, bringing legal action for injunctive relief and imposing fines on the homeowners for their actions or the actions of their tenants, guests or agents.

If the Association is required to hire legal counsel to curb such behavior, the Association intends to pursue the recovery of those attorney's fees from the homeowner involved.

ARTICLE II – TRAFFIC REGULATIONS

Section 1. – Recreation Vehicles and Trailers as defined by CC&R's 2.5

- A. Any such vehicle or trailer of any kind parked in any driveway may not extend into the roadway.
- B. Homeowners, tenants, and visitor's RV's may be parked in the street in front of the homeowner's residence to load, unload or clean the vehicle for up to 72 hours after the date and time listed on the initial notice posted on the vehicle by the patrol. The posted vehicle may be moved and returned during this 72-hour period (for repairs, errands, etc.), but it must be off the premises for good within the 72-hour limit and may not be parked any place in SunBird for the next seven days. If extenuating circumstances demand more time than the allowed 72 hours or less than the required 7 days, the homeowners, tenants, or visitors must get a special permit good for that circumstance from the HOA office or the Patrol.
- C. A recreational vehicle used for the purpose of a short trip such as a weekend outing can return for the purpose of unloading the vehicle of supplies for a period of time not to exceed twelve (12) hours and then must be removed from the SunBird Community. **Persons planning to avail themselves of this option must secure a special permit from the HOA office or from the SunBird Patrol.**
- D. An RV is any vehicle constructed as to self-containment, such as a stove, beds, porta-potties, sinks and etc.
- E. RV's, boats and trailers may not be parked overnight on the street, in driveways, or parking lots in SunBird without permission and may not

exceed 72 hours with permission of the HOA office, or the Patrol. RV's parked overnight may not be occupied.

- F. While parked in SunBird, RV slide outs must face the curb side when extended. If a RV is parked in the street and the slide out is extended temporarily on the street side, then a warning device must be used in the street. For any type of steps for entering and exiting that also extend away from the exterior of the RV, cones or another warning device must be put in place in the street.

Section 2. – Traffic Rules

- A. Generally-recognized rules of the road as well as SunBird parking rules shall be observed in SunBird and applicable to cars, motorcycles, golf carts, bicycles, and RVs.
- B. All vehicles must park with the right-hand wheels parallel to and within 18 inches of the right-hand curb facing in the direction of the traffic flow.
- C. The speed limit on SunBird streets is 25 M.P.H. on most streets. In Unit 1A, the limit is 15 M.P.H., around the Clubhouse it is 10 M.P.H.
- D. Parking on the streets in Unit 1A and Unit 5 can restrict traffic. No one shall park any vehicle directly opposite another vehicle parked on the opposite side of the street.
- E. **Overnight parking from midnight to 6:00 a.m. on the street is only permitted under the following conditions:**
 - 1. Homeowners, visitors, friends, and relatives of owners may park on the street if prior notification is given to the SunBird Patrol or by displaying a SunBird Guest Card on driver's side of the dashboard for less than 30 nights.
 - 2. An owner may apply for a permit to park one vehicle on the street overnight if he/she meets the following criteria:
 - a. All vehicles must first make an effort to park in the garage, carport and/or driveway.

- b. Garages or carports must be free of storage boxes or any other items not allowing space for vehicle parking. Garages or carports containing boxes or any other items preventing a vehicle to be parked in the garage/carport is not acceptable.
 - c. Maximum number of vehicles should be reasonable for the number of occupants.
 - d. Any vehicle that is granted a parking variance may not be wider than 8 feet or longer than 22 feet.
 - e. Vehicle must be parked in such a manner as to not obstruct other traffic, for safety reasons.
 - f. Vehicles must be parked in front of property that parking variance is issued to.
 - g. The cost for a variance is \$5.00. Parking variances expire October 1st of every year. Any homeowner with a valid need for a variance will need to submit a new request to the HOA office at that time, and pay the \$5.00 fee, upon approval. The variance permit must be displayed on the rear view mirror. Unusual circumstances will be handled on a case-by-case basis by the Rules Compliance Committee.
- F. No semi-tractor or semi-trailers, or other similar large trucks, larger than a pickup may be parked overnight anywhere in SunBird. Exception: moving trucks may be parked to move furniture in or out only up to 72 hours. Exception: other large trucks may be left if they are doing building or maintenance at the clubhouse, such as a crane or a load of material.
- “Exception: In order to comply with state law homeowners, tenants, and guests who are employees of public service entities and an entity regulated by the Federal Energy Regulatory Commission may park certain work related vehicles.”
- G. Handicap parking spaces may be used only by vehicles displaying a handicap license or permit. It is a violation for a person who is not transporting a handicapped person to use a handicapped license or permit if they are not handicapped. Vehicles may not be parked on diagonally striped lines between handicap parking spaces.

- H. Vehicles or golf carts are not to be parked on the unpaved portion of any homeowner lot. The area must be paved specifically for parking. Any vehicle or golf cart parked in the driveway must not extend into the roadway.
- I. Golf cart operators within SunBird must be at least 16 years old and have a valid driver's license.
- J. Vehicles and golf carts of tenants or guests may not be parked overnight at the clubhouse or post office parking lots except under special circumstances. Short-term variances may be permitted with authorization of the HOA office.

Section 3. – Vehicle and Golf Cart Registration

In an effort to identify all vehicles including golf carts within SunBird, all vehicles and golf carts of SunBird owners and significant others must display a SunBird identification decal on them.

Vehicles of SunBird renters must display a temporary renter identification pass with the date of the rental expiration.

ARTICLE III – PATROL AND GATE CONTROL

Section 1. – General

The SunBird Patrol provides a service to the homeowners, tenants, and guests. The Patrol performs their duties in the capacity of private citizens and do not have the authority of the Chandler Police Officers. Support and cooperation by the homeowners, tenants, and guests with the Patrol personnel is appreciated.

Section 2. – Authority

The SunBird Patrol Chief reports directly to the General Manager of SunBird. The Patrol is authorized to enforce the HOA's CC&R's, the Rules and Regulations, and the ACC Guidelines.

Section 3. – Availability

The SunBird Patrol works various shifts and times. For details, please contact Patrol or the HOA office.

Section 4. – Policy

The SunBird Patrol shall make a vigorous effort towards crime prevention within our community. Do not hesitate to call them for assistance.

SunBird Patrol (480) 797-8605

- A. Their activities will include but not be limited to the following:
 - 1. Attempt to protect the community resources and property.
 - 2. Make a vigorous effort to inform all homeowners, tenants, and guests of applicable rules, regulations and restrictions.
- B. Despite the best effort of the association to control access, all members must understand that they are the last line of defense against crime. Therefore, they should take all reasonable steps to secure our residences as if there were no Patrol and gate services provided by the association.

Section 5. – Enforcement

- A. It shall be the duty of the SunBird Patrol to insure compliance with these Rules and Regulations, the CC&R's, and the ACC Guidelines.
- B. The Patrol Officers will patrol the residential areas by vehicle:
 - 1. To enforce all the traffic regulation within SunBird.
 - 2. To issue citations as necessary for infractions that they are witness to or are called to their attention by others. One copy of the citation will be forwarded to the Rules Compliance Committee for Service of Notice action.
- C. The Patrol shall participate as required in any Notice of Appeal action.

Section 6. – Gate Control

Owners may gain access into SunBird by remote control or access code through the resident lane at Riggs Road and Championship Drive gate, or remote only through the Hunt Highway and Kerby Farms gates.

Guests, contractors and public golfers must be authorized for entry at the Riggs Road and Championship Drive guard house.

Tenants must not give frequent guests or contractors a personal access code for after-hours access. Infrequent guests or contractors may also contact a residence from the Riggs Road gate intercom to gain access over the telephone though owner authorization. Pressing “9” on your home phone pad will open the gate.

ARTICLE IV – SWIMMING POOL RULES

Section 1. – Main Pool, Adult Pool, Jacuzzi

The swimming pools are for the use of homeowners, tenants, and guests with valid SunBird identification cards. There are no lifeguards on duty. Swim at your own risk.

Section 2. – Rules of the Pools and Jacuzzi

- A. Homeowners must assume responsibility for themselves and their guests when using the pool. Rowdiness, running, diving or jumping into the pool is dangerous and is not permitted. Use of bicycles, skates, rollerblades or skateboards is forbidden in pool areas.
- B. Eating is not permitted while in the swimming pools and Jacuzzi. Smoking is not allowed within the fenced areas of either pool or Jacuzzi.
- C. All persons using the pools are required to shower before entering the pools. Waterproof sunscreens are permissible. (Oils or lotions clog the pool filters and are not permitted).
- D. The pool away from the clubhouse, located on Oakmont Drive, is for adult use only at all times.
- E. The pools are open daily from 7:00 a.m. to 11:00 p.m.

- F. SunBird is an age-restricted community intended for occupants 55 years of age and older and limits children to those who are guests of homeowners and tenants of the community.
- G. Floats, inner tubes, inflatable rafts or toys are not allowed in the pools except for volleyballs along with any other devises/equipment used by Water Aerobics. One “Fun Noodle” or set of “Water Wings” per person is permitted. Arm flotation bands for small children are permitted.
- H. **Glass containers are not permitted in the pool area at any time.**
- I. It is a violation to swim without proper swimming attire; no cutoffs, jeans, or street clothes; nude swimming is not allowed. The only exceptions will be clothing used to prevent skin cancer.
- J. **At SunBird, children must be potty trained and out of diapers before they can enter the pool. No diapers/rubber swimmers are allowed in the pool.**
- K. Special usage of the pools by individuals, groups or classes may be scheduled by the General Manager or his/her designee.
- L. No one under the age of 14 may use the Jacuzzi. Guests 14 through 17 years may use it with adult supervision at the adult’s risk.

ARTICLE V – SUNBIRD FACILITIES

Section 1. – Clubhouse General

A. Clubhouse Hours

1. The SunBird Clubhouse is open seven days a week. The doors are unlocked from 6:00 a.m. to 11:00 p.m. except on special event evenings. Arrangements for extended hours may be made through the HOA office.
2. Normal HOA office hours from October through April are 8:00 a.m. to 4:00 p.m. Monday through Friday, and May through September 7:00 a.m. to 3:00 p.m. Monday through Friday.

B. Identification Cards

1. Homeowners and tenants in good standing are privileged to use the clubhouse facilities. SunBird identification cards are provided to Homeowners and must be carried when using any of the facilities. Exception: I.D. must be worn when using the Fitness Room.
2. Each homeowner has been issued two (2) guest passes. Additional passes may be obtained at the HOA office during normal business hours.
3. ID cards for renters or lessees may be obtained at the HOA office by turning in the Homeowner's ID card, completing the renter form and after proof-of-age verification has been accepted in exchange for the tenant ID card.

C. Dress Code

1. Swimwear is not appropriate attire anywhere within the Clubhouse. Clothing covering the torso must be worn over swimwear when using the clubhouse facilities and patio/grill area.
2. Tennis and golf clothes are appropriate.
3. Golf shoes with metal spikes are not permitted. No bare feet will be permitted.

D. Trespassers

1. Tenants are encouraged to bring to the attention of appropriate supervisory management any membership violation or unauthorized person in the Clubhouse.
2. Should the unauthorized person refuse to leave, the person will be considered a trespasser. The Patrol shall be called to assist in a trespass situation.

Section 2. – Special Events

A. Homeowner and Tenant Functions

Events scheduled by HOA and committees, clubs and organizations of SunBird, are welcome to use the Clubhouse facilities for their meetings, parties and social events, without being assessed room rental. Cleanup or setup fees will be charged if they are appropriate. The individual Homeowner or SunBird organization shall be responsible for any damages that occur during their event. Homeowners may not schedule any event that raises funds for personal profit unless they have been approved as an instructor. Permission for fund-raising events for SunBird or SunBird organizations will be decided on a case-by-case basis by the General Manager. A room rental fee may be charged.

B. Instructional Activity

Use of the Clubhouse rooms, pools or tennis courts for an activity where a homeowner, tenant or non-resident instructor is hired to teach an activity, shall require the General Manager's or Activity Director's approval. Any instructor who charges a fee for instructing a resident activity will be assessed a 10% fee of all monies charged payable to the SunBird HOA for room rental and maintenance. A contract shall be completed when the room/space reservation is made.

The participants will pay the instructor directly. The instructors will pay 10% as agreed in the contract.

C. Ballroom Scheduling

1. Board of Directors and committees may reserve in advance.
2. SunBird organization groups may schedule annual dances, dinners and parties in advance.
3. The Activities Director may schedule dances, dinners, parties and concert events.
4. Federal, state, county and city elections may be scheduled in advance.

5. Homeowners named on the deed to a SunBird home may schedule in writing anniversaries, parties or other events specifically in honor of themselves. Any other events must be approved by the Activities Director or General Manager.

D. Multipurpose Room Scheduling

1. (Navajo, Hopi, Pima, Ceramics, Lapidary, Lakeview)
2. Board of Directors and Committees may reserve the above rooms in advance.
3. Returning groups and instructors may reserve the same room for the same days and times thirty (30) days prior to open scheduling. Rooms may be reserved beginning 11/1 for the period of 1/1 – 6/30 and 5/1 for the period of 7/1 – 12/31.
4. Classes and training seminars may schedule rooms no earlier than six (6) months in advance.
5. Returning groups and instructors may change room, days or times during the same period as new instructors, groups and classes.
6. New instructors, groups and classes may reserve rooms beginning 12/1 for the period of 1/1 – 6/30 and 6/1 for the period of 7/1 – 12/31.

Section 3. – Use of Rooms

A. Ballroom

1. The Ballroom is available for use by tenants and by non-residents who are approved by the General Manager or Activities Director. Tables and chairs used must be put away. (refer to **ARTICLE V, Section 2 – Special Events, Ballroom Scheduling – Page 14**)
2. When a sponsoring homeowner of a ‘free’ dance or other function schedules the Ballroom, they will be asked to sign a form which will cover these issues:

- a. The sponsoring homeowner is to provide a complete list of all outside guests to the office prior to the function. This list will then be copied and a copy given to the guard at the entrance to SunBird.
- b. The sponsoring homeowner accepts responsibility to inform all his/her guests that liquor is not to be brought into the function.
- c. Tables shall not be 'reserved'. To be fair to all attendees, tables should be on a first come, first served basis. A copy of this signed form shall be given to the sponsoring homeowner so there are no questions.

B. Clubhouse Entrances

All persons entering the Clubhouse may be requested to show their membership or guest card.

C. Library/Puzzle Room

Library/Puzzle Room facilities are only for the use of homeowners, tenants, and guests. Neither food nor drink is permitted in the library.

D. Fitness Room

1. The Fitness Room is available for use by tenants between the hours of 6:00 a.m. and 11:00 p.m.
2. Adults 18 years of age and older must have the appropriate guest card or homeowners card in their possession. (**refer to ARTICLE 10, Section 6 - Local Guest Policy, Page 28**)
3. Clothing covering the torso must be worn at all times.
4. **I.D. must be worn when using the Fitness Room.**

E. Pool Tables

1. The pool tables are available for use by all homeowners, tenants, and guests (see b.) between the hours of 6:00 a.m. to 11:00 p.m. except for scheduled league play and special events.

2. Adults 18 years of age and older must have the appropriate guest card or homeowners card in their possession.
3. No food or drink is allowed in the pool room.
4. Anyone using this facility may be asked to show their membership or guest card.
5. Proper clubhouse attire is required.

Section 4. – Clubhouse Signage

All signs posted or displayed in the clubhouse or patio areas must be professional in nature and in good taste advertising an activity or event inviting SunBird homeowners and tenants to attend. All signs shall be for the purpose of advertising an activity or event and not a political endorsement, opinion or statement of any sort. Signs may not be attached to walls, windows or doors.

Signs displayed in the clubhouse hallway or patio areas shall not obstruct walking traffic or become a nuisance. Signs on the patio must be free standing.

The bulletin boards located in the puzzle room area are for general postings. The glass enclosed bulletin boards are for HOA organized events, official notices and information. Bulletin board signs cannot be greater than an 8.5” x 11” sheet of paper placed in an upright position.

If the bulletin boards become completely filled, the Activities Director can, at his/her discretion, select what notices should stay or be removed.

Any sign posted or displayed in the clubhouse or its premises must have approval of the Activity Director.

Section 5. – Outside Facilities

A. Shuffleboard Courts

1. Available for use by homeowners, tenants, and guests except for the SunBird league play and special events.
2. Courts are open at 7:00 a.m. to 10:00 p.m. daily.

3. Walking on courts is prohibited.
4. No skateboards, roller blades, bicycles or horseplay of any kind will be permitted on the courts.

B. Tennis Courts

1. Available to homeowners, tenants, and guests except when reserved for the SunBird Tennis Club activities and special events. Players wishing to use the courts should consult the court bulletin board located at the tennis courts to determine available court time.
2. Courts 3 and 4 have lights. The switches are located just inside both court entrances on a single pole. Players are responsible for turning lights on and off. Courts are open daily 7:00 a.m. to 10:00 p.m.
3. Maximum playing time: Doubles 2 hours - Singles 1-1/2 hours – Ball machine 1-1/2 hours (for tennis club members only).
 - a. Reservations can be made at the bulletin board located at the tennis courts up to 3 days in advance. If all courts are in use, players must remain at the courts while waiting for an open court. Players not at the court ten minutes after reserved time forfeit court time to waiting players.
 - b. Appropriate tennis attire must be worn. No shoes other than tennis shoes are permitted on the courts. Shirts must be worn.
 - c. All persons are required to observe normal court courtesy and etiquette when using the courts or waiting for an open court.
 - d. All persons using this facility may be asked to show their membership or guest card.
 - e. No skateboards, roller blades, bicycles or horseplay of any kind will be permitted on the courts.

C. Horseshoe Pits

The Horseshoe Pits are available to all homeowners, tenants, and guests except during scheduled league play or special events.

D. Basketball Standard

1. The Basketball standard is available to all homeowners, tenants, and guests except during scheduled league play or special events.
2. The Basketball standard is located at the end of a tennis court and may be used when the tennis court is available until 10:00 p.m.

E. Pickle Ball

1. The Pickle Ball courts are available to all homeowners, tenants, and guests except during scheduled league play or special events.
2. Pickle ball is played on the Pickle Ball courts. Please see posted schedule for available times to play or reserve courts.

F. Bocce Ball Courts

1. Bocce Ball courts are available to all homeowners, tenants, and guests except during scheduled league play or special events. See posted schedule.
2. The courts may be used from 8:00 a.m. to 7:00 p.m. Please be considerate of neighbors and keep noise to a minimum.

G. Patio

1. Unless reserved for a scheduled special event, the Patio shall be for the use of homeowners, tenants, and guests.
2. A \$50.00 deposit is required to use the BBQ grills at the outside cooking facility on the patio.
3. The deposit will be returned if the grills and cooking area are left clean.

H. Laundry Room (by Swimming Pool on Oakmont Drive)

The laundry room is available to homeowners, tenants and guests.

Section 6. – Safety

Rules for the use of various items of equipment are posted within each use area. It is important for everyone's safety that these rules be followed. The buddy system should be used. If there is a question as to how to operate any equipment, ask for help first. All risk for use of any SunBird facility and all equipment is placed on the user.

Section 7. – Garage, Yard and Estate Sales

- A. Garage and yard sales are prohibited except SunBird Homeowners and tenants are permitted to participate in any garage sales each year which are sponsored by the HOA office which will set the date and time.
- B. Estate Sales are defined as an Open House Sale for household items such as furniture, appliances, books, etc. currently in the home that belonged to the homeowner. Estate sales can only be held as approved by the General Manager along with a permit obtained from the Homeowners' Office. Only a single estate sign can be placed on the homeowner's property and cannot be larger than 24" x 30".

Section 8. – Open House Signs

Realtors may display their own Open House sign no larger than 24" x 24" at the front entrance of SunBird on either corner of Riggs Road and Championship Drive in the common areas outside of the gates from 8:00 a.m. until 6:00 p.m.

Section. 9 – For Sale/For Rent Signs

- A. "For Sale" or "For Rent" signs may be posted in the front or side yard of the property of the home for sale or for rent. All signs must be professional.
- B. "For Sale" signs must be removed within seven (7) days of the close of escrow.
- C. "For Rent" signs must be removed within seven (7) days of the home being occupied by a renter(s), unless the home is being rented for only up to one month and is followed by the home becoming available for rent again.

D. Any non-compliance with this policy will subject the owner of the property to the enforcement policy as outlined in the SunBird Rules and Regulations. (**refer to Article XII, Section 1 - Pages 30 &31**)

Section 10 - Political Signs

Political signs as prescribed by Arizona state law (ARS331808 section C) may be displayed in homeowner yards.

Section11. – Smoking Restrictions

Smoking means use of cigarettes, cigars, pipes, and e-cigarettes, or anything of a similar nature. Smoking is prohibited within 25 feet of the main entrance or 20 feet of any secondary, side or back entrance of any enclosed public place where smoking is prohibited including the fenced in areas around the pools. Any smoking area provided outdoors shall not require others to walk through it upon entering. All current or future SunBird buildings will conform to Arizona state law regarding smoking.

Section12. – Alcohol Restrictions

The SunBird Golf Resort Homeowner’s Association has a Class 14 Private Club Liquor License. This liquor license allows “on premises sale only” of alcohol to members of the club (Homeowners Association) and their guests. The alcohol purchased from the bar must be consumed within the “licensed premises” meaning the area from which the licensee is authorized to sell, dispense or serve spirituous liquor, as determined by the diagram on file with the Arizona Department of Liquor Licenses and Control (ARS 4-101.26, ARS 4-205). Section 15 Diagram of Premises, of the approved liquor license application on file with the Arizona Department of Liquor Licenses and Control displays the structure of the Clubhouse building only. (**refer to ARTICLE I – Section 4 & 5 - Page 3 & 4**)

ARTICLE VI – GOLF COURSE

Section 1. – Ownership

The SunBird golf course, practice range, putting greens and chipping green are not owned by the HOA. The rules governing conduct, dress code, tee times and play are the prerogative of the golf course management. **Golf course ownership**

is available to all homeowners in SunBird Golf Resort. Get more information in the Pro Shop.

Section 2. – Homeowners Responsibility

- A. A current synopsis of the Rules and Regulations for the golf course is in the Golfers Handbook (available at the Pro Shop in the Clubhouse) and the SunBird Source Book.
- B. The homeowner must inform their guests, renters or lessees and other occupants that entering the golf course paths, greens, tee boxes, and fairways is a trespass on private property and could result in an injury.

ARTICLE VII – COMMON AREAS

- A. The common areas generally are all land within SunBird which is not a part of any residential lot or golf course. This includes all land or right-of-way easements within SunBird that are dedicated to the public or the City of Chandler and are maintained by the HOA.
- B. The area between the SunBird wall and Riggs Road, Cooper Road and Hun Highway are part of the SunBird property and subject to all rules and regulations of the HOA and the City of Chandler.
- C. The common areas include the streets, some greenbelts, easements and some of the concrete drainage ways. The common areas that are accessible without crossing or entering private property are available for use to all homeowners, tenants and guests.
- D. The golf course is not considered a common area.
- E. The golf course maintenance yard is not a common area.
- F. **Common areas shall be used at the risk of the user.**
- G. Signs on the common areas and streets are permitted for advertising SunBird Community Organizations and HOA events. Such signs should conform to good taste and be approved by the General Manager or Activities Director. Signs can be placed seven days prior to events and removed one day after, or will be removed by patrol.

- H. All properties within SunBird that have lot numbers are considered **PRIVATE** property.
- I. The Rules Compliance Committee has jurisdiction and authority over the enforcement of this policy which may be delegated to SunBird Patrol.

ARTICLE VIII – PET CONTROL

- A. No pets shall be allowed in the pool areas or in any building owned by the SunBird Homeowners Association. Exception: Service dogs are permitted access to any area that the owner is allowed.
- B. Anyone walking or exercising a pet in any area outside of their own residence shall:
 - 1. Keep such pet on a leash strong enough to control the pet and not longer than six feet in length.
 - 2. Immediately pick up any solid waste from such pet and deposit it in a proper receptacle.
 - 3. Control any such pet so that it does not jump on, touch or bite any person or pet.
- C. City of Chandler Ordinance 14-10: It shall be unlawful for any person to keep, harbor, or have custody within the city any dog which barks, howls, or makes noises by day or by night which disturbs the peace and quiet of any person or family in the neighborhood.
- D. **Pets conforming to all other rules and regulations may use the common grass area around the clubhouse and the grass area east of the post office, to Waterview Drive. This practice is subject to review as deemed necessary by the Board of Directors.**

ARTICLE IX – NOISE DISTURBANCE

With the exception of burglar alarms, no exterior speakers, horns, whistles, bells or other sound devices shall be located, used or placed on any Lot or Common Area, except at the clubhouse.

ARTICLE X – HOMEOWNERS AND TENANTS

Section 1. – Occupancy

The HOA is an age-restricted community. The Declaration of Restrictions 2.4 **Age Restriction**, states:

“SunBird is intended for and operated for occupancy in at least 80% of its units by at least one person 55 years of age or older per unit. The Association is directed to maintain significant facilities and services specifically designed to meet the physical or social needs of older persons. The Association shall require that at least 80% of the units be occupied by at least one person 55 years of age or older and that all units be occupied by at least one person 40 years or older unless the Board approved a more stringent policy. The Association shall publish and adhere to policies and procedures which demonstrate intent on the part of SunBird to provide housing for older persons. No person who has not yet reached their 19th birthday shall reside permanently at SunBird. The Board, in its sole discretion, shall have the right and power to determine when a person resides ‘permanently’ within or upon the premises.”

A. Age Restriction Policy

In an effort to demonstrate the intent to comply with the Fair Housing Act and the Declaration of Restrictions, the Board of Directors has adopted policies and procedures to insure continual compliance with the Fair Housing Act and the Declaration of Restrictions.

B. Owners

All potential purchasers, as the association is notified by the title companies, realtors, owners or other, shall be notified along with the Re-Sale Disclosure Statement of such Age Restrictions and Policy. All prospective owners shall submit a copy of a driver’s license or birth certificate or other acceptable legal document of all occupants indicating that at least one occupant is fifty-five (55) years of age or older and that all other occupants are at least nineteen (19) years of age prior to the close of escrow to the SunBird HOA Office by mail, facsimile or personal delivery.

Exceptions

1. If a unit has only one occupant over 55 years of age who dies, or requires long-term in-patient care, or is admitted to a long-term nursing care facility leaving behind the other existing co-occupant who may be under 55 years of age or becomes disabled or has other hardships to the age restriction policy as determined by the Board of Directors, would be an exception.
2. Each calendar year 32 homes may be sold to owner/occupants between 50 and 54 years of age (one occupant must be at least 50 years of age and no occupant may be under 19 years of age). To qualify for this exception, potential buyers may obtain their variance by submitting to the administrative office of SunBird a copy of a driver's license or birth certificate or other acceptable legal document establishing age for each individual who will occupy the home along with a copy of the signed offer to purchase. The variance shall expire 60 days after it was issued unless extended by the SunBird General Manager for cause.

C. Renter

Homeowners shall notify any potential renter(s) or lessee(s), or any other potential occupant(s), prior to signing or making any rental, lease or other agreement(s) of occupancy, of the Age-Restriction Policy. A SunBird Rental Form must be completed and submitted by mail, fax or personal delivery each time a SunBird home has a change in renters. Homeowners must submit a copy of a driver's license or birth certificate or other acceptable legal document of the potential renter(s) or lessee(s) or any other potential occupant(s) prior to signing any occupancy agreements indicating that at least one occupant is 55 years of age or older and that all other occupants are at least nineteen (19) years of age to the SunBird HOA Office by mail, facsimile and/or personal delivery.

Homeowners are responsible for any violations of the deed restrictions, rules and regulations, and other policies.

D. Enforcement

If any change in occupancy occurs without submitting a copy of a birth certificate or driver's license of the new or additional occupant(s) within 10 days of the close of escrow and/or the date of signing any rental, lease

or any other agreement of occupancy, a \$25 per day fine will be imposed until compliance of this policy is met.

After the accumulation of \$500 of fines or 20 days, the matter will be subject to legal action and fines will continue to accrue at the same rate.

E. Variance Process

On written request of a homeowner and after a hearing before the Board, the Board may issue a variance from the Age-Restriction Policy adopted 3/29/99 if:

1. The variance will not put into jeopardy SunBird's standing as an age-restricted community under the Fair Housing Act, and
2. The owner can demonstrate extreme hardship, not of his/her own making, if the policy is enforced. The Board shall be the sole judge on what constitutes "extreme hardship".
3. No variance, under any circumstance, may be granted which would allow anyone under the age of forty (40) to occupy a unit in SunBird without first meeting the primary occupant age requirement.

F. Grandfather Clause

As of May 1, 1999, all current homeowners and tenants already occupying a SunBird home under the age of 55 may occupy a different unit within SunBird.

Section 2. Homeowner Identification Cards

The SunBird Homeowner ID Card is proof of property ownership in SunBird and is not transferable. Those electing to exercise the privilege of using the facilities must meet the following requirements:

- A. Pay the prescribed homeowner's dues.
- B. Be a titled owner. If the property is held in trust or corporate owned, two of the individual owners may be declared annually as recipients of this privilege and must reside at that address. If rented, **refer to ARTICLE X, Section 4. – Tenants – Rental/Lease Property – Page 27**

- C. Must meet the age requirements set forth by the CC&Rs and the age-restriction policy.

Section 3. – Associate Members

- A. To qualify as an Associate member of SunBird, a person must be 19 years of age or older and be residing at SunBird as a 3rd person and/or property owner where more than two names appear on the deed; or be a guest of a homeowner visiting longer than 30 days and being over the age of 19.
- B. An Associate Membership must be purchased from the HOA. The cost of the Associate Membership is one-half of the cost of the annual HOA fee.
- C. The Associate Membership account will be established on a quarterly billing cycle. The first quarter fees will be prorated and all subsequent quarters will be for the full quarter assessment amount. There will be no refunds.
- D. An Associate Member with an Associate Member ID card bearing a current expiration sticker shall have the privilege of using any of the SunBird facilities as they are available.
- E. Associate Members may not authorize guest passes without the General Manager's approval.

Section 4. –Rental/Lease Property

- A. All tenants, renters and any other occupants must comply with the age restrictions as noted in Section 1 – Occupancy.
- B. All rental or lease agreements and a complete rental policy form shall be filed with the HOA office.
- C. Failure of the Homeowner to abide by requirements is subject to - **refer to ARTICLE X, Section D. – Enforcement - Page 26**
- D. **Tenants, renters, guests or visitors not abiding by the CC&Rs, the Rules and Regulations and the ACC Guidelines, may immediately lose all privileges otherwise available to them in SunBird.**

- E. Rental I.D. cards (maximum two per unit) may be issued upon receipt and verification of all of the following:
 - 1. Homeowner's SunBird I.D. cards. Homeowners cannot use the facilities if their unit is rented out unless owning and occupying another SunBird home.
 - 2. Proof of age verification. Copy of the driver's license, birth certificate or other legal age document.

Section 5. – Guests

- A. Authorized guests may use the SunBird facilities and amenities under the same Rules and Regulations. Exception: See Section 6, A.
- B. Guests may use the facilities unaccompanied by a homeowner if the proper SunBird Guest Card is carried. Exception: See Section 6, A.
- C. Guests staying longer than 30 days in a calendar year are subjected to an associate membership fee, unless they are unable to use the facilities because of physical or mental impairment.

Section 6. – Local Guest Policy

Guests residing within twenty (20) miles of SunBird may only use the HOA facilities when accompanied by the SunBird Homeowner or authorized SunBird renter. **Local guests are not permitted to use the fitness room facilities or equipment.**

Section 7. – SunBird Dance Policy

- A. SunBird Sponsored Dance
 - 1. All tickets must be purchased by a SunBird homeowner, renter or associate member.
 - 2. **Each SunBird home may purchase up to 8 tickets for visitors/guests.**
 - 3. The Band or Entertainer may not advertise to the public.

B. Tenant Sponsored Dance (Free)

1. A list of all guests invited by the homeowner or tenant sponsor must be submitted to the SunBird Office one week prior to the dance.
2. Admission to the dance for each person will be either:
 - a. a SunBird homeowner ID card or
 - b. be on the list as provided by the homeowner or tenant sponsor.
3. SunBird will have a person at the entrance to the ballroom checking all SunBird ID cards or the guest list during the dance.
4. The guard at the front gate will also have the list of guests for that dance and will turn away any other non-invited persons.

ARTICLE XI – APPEAL AND HEARING PROCEDURES

Section 1. – Appeal Procedure

- A. Any aggrieved party has the right to appear before the SunBird Rules Compliance Committee to appeal any written citation (Service of Notice) which directly affects them. A Notice of Appeal should be filed with the SunBird Rules Compliance Committee within ten days of the date of the Service of Notice. Appeal forms may be obtained at the HOA office.
- B. An Administrator for the SunBird Rules Compliance Committee will set a date, time, and place for the hearing and shall notify all members of the SunBird Rules Compliance Committee and the appellant. Notification shall be made at least seven (7) days prior to the hearing date. If the appellant is unable to appear at the time and date set for the hearing, he/she may request one continuance which may be granted at the discretion of the committee. **Failure to appear at a scheduled hearing will result in the forfeiture (fine) and shall end the appeal process (no appeal to the Board of Directors.)**

Section 2. – Hearing Procedure

- A. Unless the appellant requests a closed hearing, it shall be open to all homeowners. All parties to the proceedings may introduce evidence, produce witnesses to testify and present arguments.
- B. A written or taped record shall be made of the proceedings.
- C. Following the close of the hearing, the SunBird Rules Compliance Committee may retire to consider its decision. They shall prepare a written decision within ten days (unless unusual conditions prevail) which shall be served on the Appellant and SunBird Patrol Officer or committee chair whose decision was appealed. If the appellant does not accept the Rules Compliance Committee decision, he/she may request a hearing before the Board of Directors, within 10 days of the Notice of Decision. Otherwise the decision shall be binding on all parties. **Exception: Failure to appear at a scheduled hearing will result in the forfeiture (fine) and shall end the appeal process. (No appeal to the Board of Directors.)**
- D. If there is an appeal, the Notice of Appeal should be delivered to:
- SunBird Homeowners Association
6250 S. SunBird Boulevard
Chandler, AZ 85249
Attention: President, Board of Directors
- E. The Board of Directors’ decision shall be final and binding.

ARTICLE XII – FINE SCHEDULE

Section 1. – Monetary Penalties

- A. The Board of Directors or Rules Compliance Committee may impose reasonable monetary penalties on homeowners, renters, lessees or guests and other occupants for violations of these rules and any amendments thereto, after notice and the opportunity to be heard. The penalties shall be enforced in the same manner as unpaid assessments.

- B. Anyone having been cited for a violation of the CC&Rs and Rules and Regulations shall have the right to appeal. As an option, the aggrieved party may elect to pay the set fine and forgo their right to be heard,
- C. Any violation that is not corrected within the time specified on the Service of Notice constitutes a separate and new offense each day until corrected and each subsequent violation shall be subject to another fine.
- D. The first violation shall receive a written warning. Depending on the severity of the violation, subsequent violations may be subject to fines in accordance with the following schedule:

2nd offense \$25.00
3rd offense \$50.00
4th offense \$100.00

After the 4th violation of the same rule, the fine continues to double and the use of SunBird privileges of the violator may be suspended.