

# VEHICLE / EQUIPMENT CONTROL RULES AND REGULATIONS

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## 1.0 INTRODUCTION

### 1.1 Introduction

Pursuant to Section 3.2, Amended and Restated Covenants, Conditions and Restrictions (“CC&R’s”), the following are rules and regulations applicable to the parking, maintenance, construction, reconstruction, repair or use of any vehicle/ equipment on Lots or Common Areas within Stonegate. As per Section 3.2, CC&R’s, the term “Vehicle/Equipment” shall be read in its broadest sense to include any vehicle, means of transport or item capable of being transported. By way of illustration, but not limitation, such term shall include vehicles/equipment such as passenger cars, trucks, multi-purpose vehicles, vans, buses, motorcycles, motorbikes, dirt bikes, all terrain vehicles, go-peds, snow mobiles, golf carts, electric carts, aircraft, boats, boat trailers, mobile homes, motor homes, horse trailers, travel trailers, tent trailers, camper shells, detached campers, recreational vehicles or other similar vehicles or equipment.

Parking (Section 2.0 below), Maintenance, Construction, Reconstruction and/or Repair (Section 3.0 below) and Use (Section 4.0 below) are discussed with regard to (1) Lots, (2) Subdivision Designated Parking Areas, (3) Private Roads/Streets and (4) Recreational Community Parking Area. A description of such areas is as follows:

- **Lots:** Pursuant to Section 1.16, CC&R’s, a Lot means a portion of Stonegate intended for independent ownership and use and shall include any Residential Unit, other building or structure or other Improvements situated on the Lot.
- **Subdivision Designated Parking Areas:** There are three subdivisions that have marked designated parking areas, i.e. Belcourt, Saddleback and Tamarack. Each of these designated parking areas has a sign that says “Guest Parking Only”. Such areas are monitored to ensure that they are used in accordance with the rules.
- **Private Roads/Streets:** The private roads/streets in Stonegate are private in that the community is gated. Restrictions are important as Stonegate private roads/streets are narrower than most streets in Scottsdale.
- **Recreational Community Parking Area:** The recreational community parking area is adjacent to the Community Center, tennis courts, pool and playground area. It contains 62 marked parking spaces, 3 of which are for handicapped parking, and is used primarily to accommodate residents and others that are visiting the Community Center, tennis courts, pool and playground area. It should be noted that the recreational community parking area is locked every night at 10 p.m.

**Residents are referred to A.R.S. 33-1809 with regard to certain public service and public safety emergency vehicles. The provisions of A.R.S. 33-1809 supersede any of the rules and regulations below that are in conflict with such statutory provisions. A.R.S. 33-1809 is attached as Attachment One.**

## 2.0 PARKING

### 2.1 Parking On Lots

Subject to further restrictions set forth below concerning vehicles/equipment Visible From Neighboring Property, parking on Lots is permitted only in the Lot garage or on the Lot driveway leading up to such garage. Parking is prohibited on any other area of the Lot unless prior written approval has been obtained from the Architectural Committee and/or unless such parking on Lots complies with Article 3, Section 3.4, CC&R's.\*

Restrictions concerning vehicles/equipment Visible From Neighboring Property, even if parked on the Lot driveway leading up to such garage, are set forth below:

(1) Owners, Owners' Lessees and their respective families, guests or other invitees may park

- Passenger cars; or
- Trucks, multi-purpose vehicles (including sport utility vehicles), vans

or other similar vehicles on the Lot driveway leading up to such garage even if Visible From Neighboring Property under the following conditions:

(a) Such vehicles parked in the Lot driveway leading up to such garage are dimensionally capable of being parked in the Lot's closed garage and which are not used for commercial purposes and which do not display any commercial name, phone number or message of any kind; or

(b) Loading and unloading of such vehicles on the Lot driveway leading up to such garage from morning until the afternoon of the following day.

All other parking of such vehicles/equipment on Lots so as to be Visible From Neighboring Property is prohibited.

*\*Article 3, Section 3.4, CC&R's provides as follows: "No temporary buildings or structures of any kind shall be used as a residence. Temporary buildings, trailers or other structures used during the construction, installation, addition, alteration, repair, change or replacement of any Improvements require the prior written approval of the Architectural Committee".*

(2) Owners, Owners' Lessees and their respective families, guests or other invitees may park

- Motorcycles, motorbikes, dirt bikes, all terrain vehicles, go-peds, snow mobiles, golf carts, electric carts;
- Boats, boat trailers;
- Mobile homes, motor homes, horse trailers, travel trailers, tent trailers, camper shells, detached campers, recreational vehicles;
- Aircraft; or
- Buses

or other similar vehicles/equipment on the Lot driveway leading up to such garage even if Visible From Neighboring Property under the following conditions:

(a) Loading and unloading of such vehicles/equipment on the Lot driveway leading up to such garage from morning until the afternoon of the following day.

All other parking of such vehicles/equipment on Lots so as to be Visible From Neighboring Property is prohibited.

(3) Owners, Owners' Lessees and their respective families, guests or other invitees shall not park any inoperable vehicles/equipment, including vehicles/equipment that are not drivable or for which the registration has expired on any Lot so as to be Visible From Neighboring Property.

## **2.2 Parking on Subdivision Designated Parking Areas**

(1) Guests or other invitees of Owners or Owners' Lessees may park

- Passenger cars; or
- Trucks, multi-purpose vehicles (including sport utility vehicles), vans

or other similar vehicles on any subdivision designated parking area under the following conditions:

(a) Such vehicles of guests or other invitees of Owners or Owners' Lessees are parked in a designated parking area for no more than three (3) consecutive days; or

(b) Prior written approval has been obtained from the Vehicle Control Committee for guests or other invitees of Owners or Owners' Lessees to park such vehicles in a designated parking area for more than three (3) consecutive days.

All other parking of such vehicles/equipment on any subdivision designated parking area is prohibited.

(3) Guests or other invitees of Owners or Owners' Lessees may park

- Motorcycles, motorbikes, dirt bikes, all terrain vehicles, go-peds, snow mobiles, golf carts, electric carts;
- Boats, boat trailers;
- Mobile homes, motor homes, horse trailers, travel trailers, tent trailers, camper shells, detached campers, recreational vehicles;
- Aircraft; or
- Buses

or other similar vehicles/equipment on any subdivision designated parking area under the following conditions:

(a) Prior written approval has been obtained from the Vehicle Control Committee for guests or other invitees of Owners or Owners' Lessees to park such vehicles/equipment on a subdivision designated parking area.

All other parking of such vehicles/equipment on any subdivision designated parking area is prohibited.

- (3) Owners, Owners' Lessees and their respective family, guests or other invitees shall not park any inoperable vehicles/equipment, including vehicles/equipment that are not drivable or for which the registration has expired on any subdivision designated parking area.

### **2.3 Parking on Private Roads/Streets**

- (1) Owners, Owners' Lessees and their respective families, guests or other invitees shall not park

- Passenger cars;
- Trucks, multi-purpose vehicles (including sport utility vehicles), vans;
- Motorcycles, motorbikes, dirt bikes, all terrain vehicles, go-peds, snow mobiles, golf carts, electric carts;
- Boats, boat trailers;
- Mobile homes, motor homes, horse trailers, travel trailers, tent trailers, camper shells, detached campers, recreational vehicles;
- Aircraft; or
- Buses

or other similar vehicles/equipment on any sidewalk within Stonegate so as to impair pedestrian use.

- (2) Owners, Owners' Lessees and their respective families, guests or other invitees may park

- Passenger cars;
- Trucks, multi-purpose vehicles (including sport utility vehicles), vans

or other similar vehicles on any private roads/streets within Stonegate under the following conditions:

(a) Such vehicles of Owners, Owners' Lessees and their respective families, guests or other invitees are parked on Stonegate Circle during the duration of a community-wide event or approved private function in the Clubhouse area; or

(b) Such vehicles of guests or other invitees of Owners or Owners' Lessees are parked on a road/street in Stonegate for a period of not more than three (3) consecutive days in such a manner as to not create a hazardous or unsafe condition.

(c) Such vehicles of Owners and Owners' Lessees are temporarily parked on a road/street in Stonegate to facilitate deliveries or repairs/construction to the Lot of such Owners and Owners' Lessees.

All other parking of such vehicles/equipment on private roads/streets within Stonegate is prohibited.

- (3) Owners, Owners' Lessees and their respective family, guests or other invitees shall not park any inoperable vehicles/equipment, including vehicles/equipment that are not drivable or for which the registration has expired on any sidewalk, even partially, or on any private roads and streets within Stonegate

#### **2.4 Parking in the Recreational Community Parking Area**

- (1) Owners, Owners' Lessees and their respective families, guests or other invitees may park

- Passenger cars
- Trucks, multi-purpose vehicles (including sport utility vehicles), vans or other similar vehicles
- Motorcycles, motorbikes, dirt bikes, all terrain vehicles, go-peds, golf carts, electric carts;

or other similar vehicles/equipment in the recreational community parking area between the hours of 6:30 a.m. to 10:00 p.m. Parking in the recreational community parking area of such vehicles is prohibited during other time periods unless prior written approval has been obtained from the Vehicle Control Committee.

- (4) Owners, Owners' Lessees and their respective families, guests or other invitees may park

- Snow mobiles,
- Boats, boat trailers;
- Mobile homes, motor homes, horse trailers, travel trailers, tent trailers, camper shells, detached campers, recreational vehicles;
- Aircraft; or
- Buses

or other similar vehicles/or equipment in the recreational community parking area only if prior written approval has been obtained from the Vehicle Control Committee. All other parking of such vehicles/equipment in the recreational community parking area is prohibited.

- (3) Owner's, Owner's Lessees and their respective family guests or other invitees shall not park any inoperable vehicles/equipment, including vehicles/equipment that are not drivable or for which the registration has expired, in any recreational community parking area.

### **3.0 MAINTENANCE, CONSTRUCTION, RECONSTRUCTION, AND/OR REPAIR**

#### **3.1 Maintenance, Construction, Reconstruction, and/or Repair On Lots; Subdivision Designated Parking Areas; Roads/Streets and in the Recreational Community Parking Area**

(1) Owners, Owners' Lessees and their respective families, guests or other invitees shall not engage in the maintenance, construction, reconstruction, and/or repair of

- Passenger cars;
- Trucks, multi-purpose vehicles (including sport utility vehicles), vans
- Motorcycles, motorbikes, dirt bikes, all terrain vehicles, go-peds, snow mobiles, golf carts, electric carts;
- Boats, boat trailers;
- Mobile homes, motor homes, horse trailers, travel trailers, tent trailers, camper shells, detached campers, recreational vehicles;
- Aircraft; or
- Buses

or other similar vehicles/equipment on any portion of a Lot, other than in a closed garage, or on subdivision designated parking areas, on roads/streets, or in the recreational community parking area, except for emergency repairs.

### **4.0 USE**

#### **4.1 Loud Noises, Careless Driving, Speeding, Tailgating and Quiet Enjoyment Detraction**

All vehicles/equipment shall be in full compliance with all applicable laws and regulations of governmental authorities having jurisdiction relating to the suppression of noise, and their operators shall exert reasonable effort to avoid undue noise (such as unnecessary revving). Careless driving; speeding; and tailgating through Stonegate entrance gates are prohibited. Vehicles/equipment shall not be operated in such a manner as to detract from the quiet enjoyment of the neighborhood.

#### **4.2 Motorized Skateboards/Go-Peds**

The rules and regulations relating to the operation of motorized skateboards such as go-peds, adopted from time to time by the Board of Directors, are incorporated herein by reference as though fully set forth herein.

### **5.0 VEHICLE CONTROL COMMITTEE / APPEAL TO THE BOARD**

#### **5.1 Vehicle Control Committee**

Pursuant to §3.2 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Stonegate, (CC&Rs), these Vehicle/Equipment Control Rules and Regulations ("Rules") shall be administered by a Vehicle Control Committee ("Committee"). The Committee shall be comprised of five Members (as that term is defined in §1.18 of the CC&Rs) appointed by the Board of Directors. The Executive Director shall be an alternate member of the Committee.

Requests for approval authorized by these Rules shall be in writing and submitted to the Executive Director. The Committee shall render a decision in writing within ten (10) days of receipt by the Executive Director of the written request. The Committee may delegate certain decision making to the Executive Director to expedite the process. For all such delegated matters, the Executive Director shall render a decision in writing within three (3) days of receiving the written request.

## **5.2 Appeal to the Board**

Any Member aggrieved by the decision of the Committee and/or the Executive Director may appeal the decision to the Board. Any Member will not be considered aggrieved unless adversely affected. A request for appeal shall be in writing, and must be made within fifteen (15) days after the decision of the Committee and/or the Executive Director is mailed to the Member and to any other interested parties. If an appeal is requested, all interested parties will be notified.

The appeal must be based on one of the following criteria: (1) A decision made by the Committee and/or the Executive is in violation of the Rules; or (2) The inability of the applicant to perform (e.g. legal requirements). The details of the appeal must include the above stated criteria as well as all supporting facts and documentation, and must be submitted within fourteen (14) days of the original request for appeal.

The request for appeal and all supporting documentation will be reviewed by the Board and, if appropriate, an appeal hearing date will be scheduled. At that time, the Member or any other interested parties may make a formal oral presentation to the Board. The decision of the Board is final.

## **6.0 VARIANCES**

### **6.1 Variances**

In accordance with § 3.27 of the CC&R's, the Board may, at its option and in extenuating circumstances, grant variances from the restrictions set forth above if the Board, upon review of a written report from the Vehicle Control Committee, determines in its discretion that (i) a restriction would create an unreasonable hardship or burden on an Owner, Lessee or Resident, or a change of circumstances since the Recording of the Declaration has rendered such restriction obsolete; and (ii) that the activity permitted under the variance will not have any substantial adverse effect on the Owners, Lessees and Residents of Stonegate and is consistent with the high standards and quality of life intended for Residents.

A request for variance shall be in writing and submitted to the Executive Director. A request for variance must be considered by the Committee and cannot be delegated to the Executive Director. The Committee shall render a written report to the Board within ten (10) days of receipt by the Executive Director of the written request for variance. The request for variance will be reviewed by the Board and, if appropriate, a hearing date will be scheduled. At that time, the Member or any other interested parties may make a formal oral presentation to the Board. The decision of the Board is final.



**ARIZONA REVISED STATUTES §33-1809**

**33-1809. Parking; public service and public safety emergency vehicles; definition**

A. Notwithstanding any provision in the community documents, an association shall not prohibit a resident from parking a motor vehicle on a street or driveway in the planned community if the vehicle is required to be available at designated periods at the person's residence as a condition of the person's employment and either of the following applies:

1. The resident is employed by a public service corporation that is regulated by the corporation commission or a municipal utility and the public service corporation or municipal utility is required to prepare for emergency deployments of personnel and equipment for repair or maintenance of natural gas, electrical, telecommunications or water infrastructure, the vehicle has a gross vehicle weight rating of twenty thousand pounds or less and is owned or operated by the public service corporation or municipal utility and the vehicle bears an official emblem or other visible designation of the public service corporation or municipal utility.

2. The resident is employed by a public safety agency, including police or fire service for a federal, state, local or tribal agency or a private fire service provider or an ambulance service provider that is regulated pursuant to title 36, chapter 21.1, and the vehicle has a gross vehicle weight rating of ten thousand pounds or less and bears an official emblem or other visible designation of that agency.

B. For the purposes of this section, "telecommunications" means the transmission of information of the user's choosing between or among points specified by the user without change in the form or content of the information as sent and received.

Telecommunications does not include commercial mobile radio services.

**ATTACHMENT ONE**