

# **PebbleCreek Homeowners Association Rules**

(August 6, 2023, Amendment and Restatement)

(Also known as the PebbleCreek Golf Resort Rules)

## **Important Notice**

Homeowners and Residents should become familiar with the CC&Rs, Articles of Incorporation and Bylaws as these documents contain additional rules that affect and limit their rights and obligations.

## TABLE OF CONTENTS

Section	Page
<b>1 Defined Terms and Interpretation</b>	
1.1 Defined Terms	1
1.2 Gender and Number	4
<b>2 Rulemaking and Administration</b>	
2.1 Purpose and Scope of Rules	5
2.2 Application and Compliance	5
2.3 Amendment Procedure and Homeowner Input	5
2.4 Effective Date of Rules	5
2.5 Official Copy of the Rules	5
2.6 Homeowner Proposed Change	5
2.7 Giving of Notices	5
2.8 Imposition of Liens	6
<b>3 Occupant Age Restrictions, Association Membership, and Tenants</b>	
3.1 Occupant Age Restrictions and Administration	7
3.2 Members and Annual Assessments	8
3.3 Associate Members	8
3.4 Tenants - Rental/Lease Property	8
<b>4 Code of Conduct</b>	
4.1 Prohibited Conduct	10
4.2 Procedure	10
4.3 Consequences	10
<b>5 Police, PebbleCreek Community Services Patrol, Non-resident Entry, and Solicitors</b>	
5.1 Police Services	11
5.2 The PebbleCreek Community Services Patrol	11
5.3 Patrol-attended Gates	11
5.4 Non-resident Entry	11
5.5 Soliciting	11
<b>6 Fines, Suspension of Privileges, and Hearings</b>	
6.1 Citations	12
6.2 Sanctions - Residents and Non-residents	12
6.3 Fines	12
6.4 Violation Notice and Appeals	14
6.5 Contest Procedure	14
6.6 Other Enforcement Avenues	15
<b>7 Vehicles, Traffic, Pedestrians, and Parking</b>	
7.1 Purpose	16
7.2 Vehicle Registration, Entry Passes and RFID Tags	16
7.3 Traffic and Pedestrian Rules	17
7.4 Parking Rules	18
7.5 Exceptions to Parking Rules	18
7.6 Special Rules for Recreational Vehicles	20
7.7 Additional Parking Rules for Business Visitors	20

7.8	Special Restrictions for Oversized and Other Vehicles	20
7.9	Inoperable Vehicles	21
<b>8</b>	<b>Property Exterior Appearance and Activities</b>	
8.1	Exterior Modifications	22
8.2	Holiday Decorations	22
8.3	Window Coverings	22
8.4	Nuisances	22
8.5	Maintenance and Dust Control	22
8.6	Outside Lighting	23
8.7	Recyclables and Trash	23
8.8	Conduct of Business on Residential Use Property	23
8.9	Flags on Vertical Flagpoles	24
8.10	Flags on Standards Other Than Vertical Flagpoles	24
8.11	Signs	25
<b>9</b>	<b>Animals and Birds</b>	
9.1	Pet Control	27
9.2	Service Animals	27
9.3	Wild Animals	27
<b>10</b>	<b>Resident Groups and Clubs</b>	
10.1	Purpose	28
10.2	Eligibility for Approval	28
10.3	Approval Procedure	28
10.4	Dissolution of the Resident Organization	28
10.5	Record Retention	28
10.6	Instructor Related Submissions	28
10.7	Annual Submission	29
10.8	Notices	29
10.9	Suspension and Termination of Approved Status	29
<b>11</b>	<b>Facilities – Generally Applicable Rules</b>	
11.1	Authorized Users	30
11.2	Facility Scheduling and Booking	30
11.3	Identification Cards	30
11.4	Visitors Under 18 Years of Age	31
11.5	Resident Responsibility	31
11.6	Verification	31
11.7	Priority of Use	31
11.8	PebbleCreek Dog Park	31
11.9	Trespassers	31
11.10	Removal of Facility Property	31
11.11	Damage to Facility Property	31
11.12	Loss of Personal Property	31
11.13	Alcoholic Beverages	32
11.14	Smoking	32
11.15	Firearms	32
11.16	Maintenance Areas	32
11.17	Instructor Fees and Contracts	32
11.18	Posted Directives	32
11.19	Website	32
11.20	Risks and Waiver Forms	32

11.21	Recording Open Board Meetings	33
<b>12</b>	<b>Clubhouse Facilities</b>	
12.1	General	34
12.2	Use of Rooms and Patios	34
12.3	Events	35
12.4	Facility Scheduling and Booking	35
<b>13</b>	<b>Swimming Pools and Spas</b>	
13.1	Authorized Use	36
13.2	Use of Main Pools, Lap Pool, Spas	36
13.3	Use of Children's Pool	36
13.4	Group and Association Events	37
13.5	Lifeguards	37
13.6	Restrictions	37
<b>14</b>	<b>Fitness Center and Sports Center</b>	
14.1	Authorized Use	38
14.2	Locker Rooms, Steam Rooms, Saunas and Lockers	38
14.3	Dress Code	38
<b>15</b>	<b>Tennis and Pickleball Court Rules</b>	
15.1	Authorized Use	39
15.2	General	39
15.3	Dress Code	39
<b>16</b>	<b>Bocce Ball and Horseshoes</b>	
16.1	Authorized Use	40
16.2	Hours, Reservations and Time Limits	40
<b>17</b>	<b>Golf Course Rules</b>	
17.1	Authorized Users	41
17.2	General	41
17.3	Tee Times and Check-in	41
17.4	Golf Carts and Segway Human Transporters	41
17.5	Practice Ranges, Practice Greens and Pitching Greens	42
17.6	Dress Code	42
17.7	Lakes	42
<b>18</b>	<b>Creative Arts Facilities</b>	
18.1	Authorized Users	43
18.2	Use of Rooms	43
18.3	Safety	43
18.4	Artwork Sales Fee	43
<b>19</b>	<b>Common Areas and Parks</b>	
19.1	Common Areas	44
19.2	Areas That Are Not Common Areas	44
19.3	Use of Common Areas	44
19.4	Sunrise Park	44

## Section 1: Defined Terms and Interpretation

### 1.1 Defined Terms:

The following terms when used with initial capitalization have the meanings shown. Refer to the CC&Rs for additional detail.

"ALC" means the Architectural Landscape Committee established under the CC&Rs.

"Associate Member" means a person who is 19 years old or older, is residing at PebbleCreek with a Resident, is not a Homeowner, and for whom an additional annual assessment described in Section 3.2(c) has been paid.

"Association" shall mean the Arizona nonprofit corporation to be organized by Declarant to administer and enforce the Covenants and to exercise the rights, powers and duties set forth in this Declaration, and its successors and assigns. Declarant intends to name the Association "PebbleCreek Golf Resort Homeowners Association No. 1, Inc.", commonly referred to as the PebbleCreek Homeowners Association (PCHOA).

"Association Employee" means a person who is an employee of the Association.

"Board" means the Board of Directors of the Association.

"Business Visitor" means a Visitor who is engaging in a commercial, governmental, charitable or political activity, whether for profit, including, but not limited to, Robson construction contractors and subcontractors.

"CC&Rs" means the Declaration of Covenants, Conditions and Restrictions of PebbleCreek Golf Resort and related tract declarations, as from time to time supplemented or amended.

"Clubhouse" means either, or both, of the Eagle's Nest Country Club or the Tuscany Falls Country Club as the context requires,

"Common Area" has the meaning given in Section 19.1 of these Rules.

"Community Documents" means the CC&Rs, the Articles of Incorporation of the Association, its Bylaws, these Rules, and the ALC Guidelines.

"Declarant" shall mean PebbleCreek Properties Limited Partnership, an Arizona limited Partnership, whether acting in its own capacity or through a trustee. and its successors and assigns. Any assignment of all or any portion of Declarant's rights and powers shall be made by a recorded instrument executed by the assignor.

"Dwelling Unit" shall mean any building or portion of a building situated upon a Lot or Parcel, which building, or portion of a building is designed and intended for use and occupancy as a residence by a Single Family.

"Facilities"

- (a) Recreational Facilities – any pools and sport facilities within the bounds of the PebbleCreek Golf Resort Homeowners Association No. 1, Inc.

Eagle's Nest Swimming Pool Complex

Tuscany Falls Swimming Pool Complex  
Oasis Pool Complex  
Eagle's Nest Fitness Center  
Tuscany Falls Fitness Center  
Any Bocce Ball, Horseshoe, Tennis, Pickleball, Basketball or Handball Court  
Robson Softball Field  
PebbleCreek Dog Park

(b) Private Facilities open to the public – any of the following PebbleCreek facilities, which are open to the public, and are not subject to any identification requirements

Eagle's Nest Golf Course and Pro Shop  
Tuscany Falls Golf Course and Pro Shop  
Creative Arts Center (Expressions Gallery only)  
Renaissance Theater  
Restaurants

“Facility Visitor” means a Visitor who is engaging in an authorized use of a PebbleCreek facility, golf course or other Common Area.

“Guest Relations” are persons manning the main gates at Eagle's Nest and Tuscany Falls.

“Guest Services” (see Resident and Guest Services).

“Homeowner” means the record holders of title to the fee simple interest of any Lot, including persons who are buying a Lot under a recorded contract (as defined in Arizona Revised Statutes), but excluding persons who hold such title merely as security. In the case of Lots the fee simple title to which is vested in a trustee pursuant to a trust agreement, the beneficiary of any such trust entitled to possession.

“Lot” shall mean any (a) area of real property within PebbleCreek Golf Resort designated as a Lot on any subdivision plat or replat recorded or approved by Declarant and limited by a Tract Declaration to either single Family Residential Use or Cluster Residential Use, and (b) any Condominium Unit within PebbleCreek Golf Resort which is limited to residential use by a Tract Declaration or declaration of condominium.

“Management Staff” means a person who is a member of the Board or its designee or who is an Association Employee who has management responsibilities.

“Membership” shall mean a membership in the Association and the rights granted to the owners of Lots pursuant to Article VI to participate in the Association.

“Non-resident” means any person who is not a Resident.

“PebbleCreek Community Services Patrol” means a service-oriented organization that encompasses a safety component in addition to enforcement of these Rules, the CC&Rs, the guidelines established in the PebbleCreek Community Services Policy and Procedures Manual and the ALC Guidelines.

“PebbleCreek” means the PebbleCreek Golf Resort.

“PebbleCreek Homeowners Association” means the non-profit corporation which serves as the governing body for the Association Membership. The affairs of the Association are conducted by a Board of Directors whose responsibility is to carry out the objectives of the Association.

“RCC” means the Rules Compliance Committee established by the Board.

“Resident” means:

(1) Each buyer under a contract (as defined in Arizona Revised Statutes Section 33-741) covering any part of the Assessable Property, regardless of whether the contract is recorded, provided the buyer is actually residing on any part of the Assessable Property, and each Owner, tenant or lessee actually residing on any part of the Assessable Property; and

(2) Members of the immediate family of each such Owner, lessee, tenant and of each buyer referred to in subparagraph (1) living in the same household with such Owner, lessee, tenant or buyer on any part of the Assessable Property.

Subject to such rules and regulations as the Association may hereafter specify (including the imposition of special nonresident fees for the use of Association Land if the Association shall so direct), the term “Resident” also shall include the onsite employees, guests or invitees of any such Owner, lessee, buyer or tenant, if and to the extent the Board in its absolute discretion by resolution so directs.

“Resident and Guest Services” perform services at the Eagle's Nest or Tuscany Falls Clubhouse front desk.

“Resident Organization” means a group or club that has met the requirements of Section 10 of these Rules and has received, and maintains, Board approval.

“Resident Visitor” means a Visitor who is visiting a Resident at the invitation of the Resident.

“Robson Employee” means a person who is employed at PebbleCreek as an employee of Robson Communities, Inc.

“Robson Preferred Guest” means a person who is participating in Robson’s preferred guest program.

“Robson Visitor” means a Visitor who is visiting the Robson PebbleCreek Golf Resort sales office or who is a Robson Preferred Guest.

“Rules” means these PebbleCreek Golf Resort Home Owners Association Rules.

“RV” or “Recreational Vehicle” means a Vehicle that contains, as a minimum, facilities for sleeping.

“Single Family” means an individual living alone, or a group of two or more persons each related to the other by blood, marriage or legal adoption that maintain a common household on a Lot.

“Tenant” means a person who is renting or leasing a residence from a Homeowner and is residing therein. This includes members of the immediate family who are residing with such person in the residence on other than a temporary basis.

“Vehicle” means, but is not limited to, automobiles, bicycles, golf carts, Segway Human Transporters, motorcycles, ATVs, recreational vehicles, tractors, trailers and trucks.

“Visible From A Neighboring Property” means, with respect to any given object, that such object is or would be visible to a person six feet tall standing on a neighboring property, on the level of the base of the structure or building being viewed.

“Visitor” means a non-resident who is on the PebbleCreek premises by invitation, express or implied.

## **1.2 Gender and Number:**

Where the context requires, words in any gender include any other gender, the plural includes the singular, and the singular includes the plural.



## **Section 2: Rulemaking and Administration**

### **2.1 Purpose and Scope of Rules:**

The Association manages PebbleCreek property and facilities pursuant to the CC&Rs, its Articles of Incorporation and its Bylaws. The Board has adopted these Rules to supplement the CC&Rs for the use of the PebbleCreek facilities and Common Areas and for the establishment of sanctions for infractions.

### **2.2 Application and Compliance:**

These Rules are binding on all Residents and, while present in PebbleCreek, Non-residents.

### **2.3 Amendment Procedure and Homeowner Input:**

These Rules may be amended or repealed in whole or in part by a vote of the majority of the Board. Excepting non-substantive revisions or an emergency threatening health or safety, or as necessary to comply with the CC&Rs or applicable law, it is the Board's policy that no amendment or repeal will be adopted by the Board until (i) it has been posted for 30 days, and (ii) an open meeting has been held to receive Homeowner comments. If the Board reasonably deems it necessary and in the best interests of the community, it may temporarily suspend or adopt Rules pending completion of the normal rulemaking procedures. To enhance the effectiveness of the open meetings, Homeowners are encouraged to submit their comments to the RCC in writing in advance of the meeting.

### **2.4 Effective Date of Rules:**

These Rules and any amendments are effective on the date they are approved by the Board unless a later effective date is established.

### **2.5 Official Copy of the Rules:**

The PebbleCreek Homeowners Association will maintain a current and accurate set of these Rules that will be available for inspection by Residents and Non-residents who are authorized to use any of the PebbleCreek facilities and Common Areas. These Rules will be posted on the PCHOA website and a copy will be available at the Eagle's Nest and Tuscany Falls Clubhouse.

### **2.6 Homeowner Proposed Changes:**

Suggestions should be directed to the Board or to the appropriate Board-appointed committee or to the Management Staff. Suggestions should be made in writing and signed by the Homeowner with appropriate contact information.

### **2.7 Giving of Notices:**

Whenever any notice is required by these Rules to be served on any person or entity, the mailing of such notice to such person's or entity's last known address as shown on the records of the Association, or personal delivery to the person or entity, or other legally required or acceptable forms of service, will be sufficient.

## **2.8 Imposition of Liens:**

In accordance with Arizona Revised Statutes and the relevant sections of the CC&Rs, the Association may, should a monetary obligation remain unpaid after it is due and payable, place a lien upon the property of the Member against whom the monetary obligation is assessed.

### **Section 3: Occupant Age Restrictions, Association Membership and Tenants**

#### **3.1 Occupant Age Restrictions and Administration:**

(a) Age Restrictions:

It is intended that PebbleCreek qualify for the adult community exemption under the Fair Housing Act. Accordingly, each Tract declaration of the CC&Rs states:

- (1) that not less than eighty percent (80%) of the Dwelling Units be occupied by at least one person who is age fifty-five (55) or older;
- (2) that if Board approval is obtained in each case, up to 20% of the Dwelling Units may be occupied by only persons under age 55 provided at least one person is forty (40) years of age or older;
- (3) that in the case of a Dwelling Unit purchased from Declarant for occupancy by only persons under the age of 55, commencing with the first change of occupancy after such purchase, such Dwelling Unit must be occupied by at least one person who is fifty-five (55) years of age or older unless Board approval for occupancy as described in Section 3.1(a)(2) above is obtained; and
- (4) That no person under nineteen (19) years of age may reside permanently in PebbleCreek.
- (5) No person under the age of 19 shall occupy a Pebble Creek residence beyond (30) thirty consecutive or (60) sixty cumulative overnight stays in any calendar year. Upon prior written request by a Resident, the Board may grant a short-term extension for extenuating circumstances.
- (6) Subject to compliance with the Requirements for Exemption set forth in paragraph 5 of each Tract Declaration, no person under 40 years of age may reside in a home in PebbleCreek unless the home is at the same time also occupied by a Member or tenant over the age of 40 years.

(b) Compliance Verification:

Under Fair Housing Act regulations, the Association must keep records of compliance and verify them from time to time. Each Owner must cooperate with the Association and upon request provide the information necessary to permit the Association to satisfy these requirements.

(c) Notices of Change of Occupancy:

In the event there is a change in the occupants of a Dwelling Unit (e.g., a sale, lease, death, or divorce) and thereafter at least one (1) of the occupants will not be fifty-five (55) years of age or older, the Owner must immediately notify the Association of such change in writing.

(d) Sanctions:

Failure of a Homeowner to abide by requirements (b) and (c) will subject the Homeowner to a \$100.00 fine for each 14-day period the Homeowner is delinquent without reasonable cause

and such other sanctions as the Board may decide. The Board may also take legal action to enforce compliance. The notice and contest provisions of Section 6 of these Rules apply.

### **3.2 Members and Annual Assessments:**

(a) There is only one Membership in the Association for each Lot. The Membership is shared by the Homeowners. For any Association matter that requires a vote, each Membership is entitled to only one vote.

(b) Each Homeowner is a Member of the Association and has the rights, duties and obligations set forth in the Community Documents. If residing in PebbleCreek, a Homeowner will receive a permanent Homeowner identification card.

(c) The annual assessments for a Lot are based upon not more than two persons occupying the Dwelling Unit (including any guest casita) on such Lot. If additional persons reside in the Dwelling Unit, the assessment for each additional person will be fifty percent (50%) of the annual assessment attributable to a Membership, unless the additional person(s) are physically unable to use the recreational facilities, as determined by the Board in its sole discretion, regardless of whether or not more than two persons residing in the Dwelling Unit actually use the recreational facilities.

(d) An Associate Membership must be obtained for residency beyond (30) consecutive or sixty (60) cumulative overnight stays in any calendar year if more than two persons are residing in the home and will result in an additional person(s) assessment as per Section 3.2(c).

### **3.3 Associate Members:**

(a) An Associate Member identification card may be obtained from Resident and Guest Services at Eagle's Nest or Tuscany Falls Clubhouse Front Desk.

(b) An Associate Member account will be established on the same semi-annual billing cycle applicable to the Homeowner of the residence. The first half is billed on January first and due on February first. The second half is billed on July first and due August first. There will be no refunds.

(c) An Associate Member with an Associate Member identification card, bearing a current expiration date, will have the privilege of using any of the PebbleCreek facilities and Common Areas.

(d) An Associate Member may not authorize issuance of Visitor identification cards without the approval of the Member.

### **3.4 Tenants - Rental/Lease Property:**

(a) Agreement Requirements: All rental or lease agreements for PebbleCreek residences must be for a minimum duration of one month and must contain provisions expressly for the benefit of, and enforceable by, the Association notifying the Tenants of the Community Documents and setting forth their agreement to abide by the requirements of the Community Documents.

(b) Tenant information must be filed with the Board or its designee at the Eagle's Nest front desk (Resident and Guest Services) together with acceptable evidence of the age of the Tenants.

(c) A rental or a lease includes all structures on a lot. Casitas and houses shall not be rented separately.

(d) Failure of a Homeowner to abide by requirements (a) and (b) will subject the Homeowner to a \$100.00 fine for each 14-day period the Homeowner is delinquent without reasonable cause and such other sanctions as the Board may decide. Homeowners will also be required to pay any fines incurred by their Tenants that are not paid by the Tenant within 30 days after demand for payment has been made on the Tenant by the Association. The notice and contest provisions of Section 6 of these Rules apply.

(e) Tenants will not be Members of the Association.

(f) If Tenants do not abide by the Community Documents, they, as well as the owners, are subject to fines and suspension of their Association privileges.

## **Section 4: Code of Conduct**

### **4.1 Prohibited Conduct:**

For the benefit of all those who enjoy the PebbleCreek environment, Residents and Non-residents using PebbleCreek amenities, Common Areas, or other HOA-owned properties are prohibited from engaging in any of the following:

- (a) Use of loud, profane, indecent, suggestive or abusive language; physical abuse, threat, harassment or the like, against any other Resident, Resident Visitor, Facility Visitor, Robson Visitor, Association Employee or Robson Employee.
- (b) Actions that result in unsafe conditions or practices; uncivil and discourteous manners; willful misconduct; or actions that unreasonably impair or put at risk the rights and privileges of other users.
- (c) Interference with staff functions, procedures, or discipline of the staff.

### **4.2 Procedure:**

Allegations of Code of Conduct violations must be submitted in writing to the PCHOA Board of Directors stating:

- Name(s) of alleged violator(s)
- Date and location of the incident
- Description of the incident
- Name, address, and phone number of the person submitting (there will be no response to anonymous allegations).

### **4.3 Consequences:**

The Board or its designee, will investigate alleged violations of this Code of Conduct and after a hearing, based on the circumstances, severity or frequency of the violation found to have occurred, may impose one or more of the following sanctions: (i) issue a letter of reprimand, (ii) a fine of not more than \$1,000, and (iii) a suspension of Membership privileges for up to 60 days, and for successive 60 day periods if the violation is not corrected during the preceding suspension period. The notice and contest provisions of Section 6 of these Rules apply.

## **Section 5: Police, PebbleCreek Community Services Patrol, Non-resident Entry, and Solicitors**

### **5.1 Police Services:**

The City of Goodyear police and other law enforcement agencies handle criminal law violations within PebbleCreek and can be called upon to handle vehicle-related violations that are also covered by city or state law.

### **5.2 The PebbleCreek Community Services Patrol:**

(a) PebbleCreek Community Services Patrol persons perform their duties as agents of the Association for the benefit of Residents. The PebbleCreek Community Services Patrol persons do not have the powers or authority of police officers. However, they do have the power and authority to enforce the CC&Rs, the Rules, and the ALC Guidelines.

(b) The PebbleCreek Community Services Patrol provides service, 24 hours per day, seven days per week, to the Residents. The Patrol's presence is intended to discourage crime within our community and to assist the community as described in these Rules.

### **5.3 Patrol-attended Gates:**

The incoming Patrol-attended swing gates may remain open during daylight hours. The gates may be opened by an RFID tag opener during other hours. The outgoing gates will be controlled to the open position at the discretion of the Patrol; otherwise, they will be opened by the automobile tripper in the road on the inside of the gates.

### **5.4 Non-Resident Entry:**

(a) All vehicles that do not have an RFID tag are required to enter PebbleCreek through the Guest Relations attended gates.

### **5.5 Soliciting:**

(a) Unless authorized by federal, state or local law or unless specifically approved by the Board, soliciting, for whatever purpose, is not permitted within PebbleCreek residential areas or at any of the PebbleCreek facilities. Soliciting includes the leaving of fliers and samples at residences.

(b) Arizona Revised Statute 33-1808 permits Residents to conduct door-to-door political activity within a gated community. As allowed by the statute, the PebbleCreek Homeowners Association requires the following stipulations be met if conducting such activity.

- (1) Door-to-door political activity is permitted only between sunrise and sunset.
- (2) Each Resident conducting door-to-door political activity is required to prominently display an identification tag, along with the prominent identification of the candidate or ballot issue that is the subject of the support or opposition.
- (3) Non-residents, even if accompanied by a Resident, are not permitted to conduct or participate in door-to-door political activity within PebbleCreek.
- (4) PebbleCreek is not required to make its common elements other than roadways and sidewalks that are normally open to visitors available for the circulation of political petitions to anyone who is not a Resident of PebbleCreek.

**Section 6: Fines, Suspension of Privileges and Hearings**

**6.1 Citations:**

The Board, its designees, PebbleCreek Community Services Patrol Persons, and, in the case of ALC Guidelines, the ALC, may issue citations for violations of the CC&Rs, these Rules and the ALC Guidelines.

**6.2 Sanctions – Residents and Non-Residents:**

(a) A violation of any PebbleCreek Rule may, after a hearing before the Board or its designee, result in sanctions, including but not limited to any or all of the following:

- (1) Two Courtesy Notices prior to a Warning
- (2) Warning
- (3) a fine in such amount as provided in these Rules, the CC& R’s, or the ALC Guidelines, established by the HOA Board or governing documents, and
- (4) a suspension of Membership privileges as provided in the CC&Rs if the Board finds a suspension of Membership privileges to be reasonable and appropriate.

(b) Suspension of Membership privileges will not result in a reduction of any assessment, charge, or fee incurred by or imposed on a Resident pursuant to the CC&Rs.

**6.3 Fines:**

Unless a different fine is provided elsewhere in the CC& Rs, these Rules or the ALC Guidelines, the following fines apply to Resident and Non-Resident violations.

(a) Speeding

- 1st Offense: \$50.00
- For subsequent occurrences of the same offense within the same 12-month period
- 2nd Offense: \$75.00
- 3rd Offense: \$100.00
- 4th and Subsequent Offenses: As determined by the Board up to \$500.00

(b) Traffic Control, Fire Lanes, Fire Hydrants, and Disabled Parking Spaces: For failure to obey a traffic control sign/device, parking in a fire lane or within 15 feet of a fire hydrant, or prohibited parking in a space reserved for the disabled, a fine of:

- 1st Offense: \$50.00
- For subsequent occurrences of the same offense within the same 12-month period
- 2nd Offense \$75.00
- 3rd Offense \$100.00



For the 4th and subsequent offenses during such 12-month period, the Board may impose a fine up to \$500.00.

(c) Unauthorized gate entry:

(1) For unauthorized entry through an entrance gate, a fine of:

1st Offense \$100.00

For the 2nd and subsequent offenses, during the same 12-month period, the Board may impose a fine up to \$500.00.

(2) For entry through an exit gate, a fine of:

1st Offense \$500.00

For the 2nd and subsequent offenses, during the same 12-month period, the Board may impose an appropriate fine.

(d) Open Garage Door:

During any 12-month period for failure to have the garage door fully closed as required by the CC&Rs, a fine of: the following will apply:

(1) For the first and second offense a Friendly Reminder Notice will be left at the residence.

(2) For the third offense, a Notice of Violation Warning will be issued.

(3) For the fourth offense, a Notice of Violation fine of \$25.00 will be assessed.

(4) For the fifth offense, a Notice of Violation fine of \$50.00 will be assessed.

(5) For the sixth offense, a Notice of Violation fine of \$75.00 will be assessed.

For the seventh and subsequent Notice of Violations during such 12-month period, the Board may impose a fine up to \$500.00.

(e) Dust control and Transfer of RFID Tags violations:

(1) For violation(s) of Section 7.2, 7.4 or 8.5(b), a fine of:

1st Offense: \$50.00

(2) For subsequent occurrences within the same 12 month period:

2nd Offense: \$100.00

3rd Offense: \$250.00

For the 4th and subsequent offenses during such 12-month period, the Board may impose a fine up to \$500.00.

The Board may also hold an offending homeowner responsible for reimbursement of any fine imposed on the PCHOA by the City or County as a result of environmental violations cited under applicable ordinances.

(f) Other Violations:

1st Offense: Warning

For subsequent occurrences of the same offense within the same 12 month period, a fine of:

2nd Offense: \$25.00  
3rd Offense: \$50.00  
4th Offense: \$100.00

For the 5th and subsequent offenses during such 12-month period, the Board may impose a fine up to \$500.00.

#### **6.4 Violation Notice and Appeals:**

(a) Any person or entity that is alleged to be in violation of any of the CC&Rs, these Rules, or the ALC Guidelines ("Community Documents") will receive a written letter describing the violation, the applicable provisions of the Community Documents, the date the violation occurred or violation was observed and the date of the hearing for such violation. This letter will be in addition to any Notice of Violation received.

(b) The violation notice will also state that the recipient has the right to contest at a hearing by submitting a contest notice and will describe the procedure that must be followed to contest the violation notice.

(c) Hearings: In the case of Residents, hearings will be before the Board or its designee and, in the case of Non-residents, hearings will be before the Rules Compliance Committee.

#### **6.5 Contest Procedure:**

(a) A contest notice may be either handwritten or typewritten and, as required by Arizona Revised Statutes, must be sent by certified mail within 10 business days after the date of the notice to the Board at the address specified in the violation notice. (Notwithstanding the Arizona Statutes, the Association will accept written contest notices sent by regular mail.) The contest notice must contain the name, address and telephone number of each contesting party and describe the reasons why the violation is being contested. The contest notice may also request a later hearing date specifying the reasons why such a delay is necessary.

(b) The Board will, within ten business days after receiving the contest notice, issue a hearing notice confirming the date, time and place for the hearing and providing such additional information as may be appropriate. The hearing notice will be delivered by hand or mailed via first class mail, postage prepaid, to each contesting party no less than 7 days prior to the hearing date.

(c) If a contesting party is unable for good cause to be present at the chosen hearing date and notifies the Board, or RCC, as applicable, at least 5 days before such hearing date, a new date will be selected. If such contesting party is unable to be present on the new hearing date and is unable to provide reasonable justification to the Board, or RCC, as applicable, then the hearing will be held as scheduled whether or not the contesting party is present.

(d) All hearings will be closed to other Residents unless otherwise requested by the contesting party.

(e) Evidence: Hearings are informal and all parties to the proceeding shall be entitled to present relevant evidence and to introduce witnesses.

(f) A record will be made of the proceeding.

(g) The Board's, or RCC's, decision, as applicable, will be final and binding on all parties to the extent permitted by law.

**6.6 Other Enforcement Avenues:**

The Association may seek enforcement of the Community Documents, including without limitation disciplinary actions, when it deems (in its sole discretion) necessary and appropriate, through the administrative hearing procedures provided under Arizona Revised Statutes and the civil suit and lien procedures under Arizona Revised Statutes.

## **Section 7: Vehicles, Traffic, Pedestrians and Parking**

### **7.1 Purpose:**

Pursuant to the CC&Rs and Articles of Incorporation, the PebbleCreek Homeowners Association Board regulates access to the Community through specific Rules, Policy and Procedures. Any violation will be subject to appropriate fines.

(a) All Residents and Non-residents are obligated to obey all Arizona State, City of Goodyear and PebbleCreek traffic, parking and vehicle laws, rules and regulations while in PebbleCreek. To maintain safe residential areas, the following Rules have been adopted for the protection and well-being of all PebbleCreek Residents and Non-residents. These Rules apply to all Vehicles.

### **7.2 Vehicle Registration, Gate Entry and RFID (Radio Frequency Identification) Tags:**

Registration: All Vehicles maintained at PebbleCreek by a Resident must be registered with the PebbleCreek Community Services Patrol and Resident and Guest Services. A fee will be charged.

#### **(a) RFID Cost:**

One standard RFID tag per member of the HOA will be provided free of charge. A fee will be charged for the usage of an RFID tag on each additional resident vehicle, for all renters' vehicles, and for any replacement RFID tags. The fee schedule will be published and made available at Resident and Guest Services at Eagle's Nest and Tuscany Falls clubhouses.

#### **(b) Entry Passes:**

Vehicles that do not have a RFID tag, must have an entry pass. Entry passes or paper hang tags are issued by a member of Guest Relations or PebbleCreek Community Services Patrol at one of the main gates. The Director of Community Services and /or the Guest Relations Supervisor may make an exception to the issuance of entry passes or hang tags during special events.

(1) Homeowners and Associate Members in possession of a borrowed or rented automobile will be issued an entry pass, which will be valid for the expected number of days the automobile will be used, not to exceed 30 days. After 30 days, the entry pass must be renewed by Guest Relations.

(2) Association Employees and Robson Employees must register their Vehicles with Guest Relations.

(3) Resident Visitors will be issued a guest entry pass valid for a period not to exceed 30 days.

(5) Robson Visitors and Facility Visitors will be issued a guest entry pass valid for the current day. Robson Preferred Guests will be issued a guest entry pass valid for the period of their stay.

(6) If a Vehicle is sold or otherwise transferred, the numbered sticker and/or RFID tag must be removed from the Vehicle. The owner must report to Resident and Guest Services that such has been removed and is no longer valid.

### 7.3 Traffic and Pedestrian Rules:

- (a) Vehicles must be driven at a safe speed for prevailing conditions, but not greater than the posted speed limit. Unless otherwise posted, speed limits are:
  - (1) 15 miles per hour on roadways around PebbleCreek facility buildings and in parking lots.
  - (2) 25 miles per hour in all other areas of PebbleCreek.
- (b) All vehicles must come to a complete stop at all stop signs prior to proceeding into the intersection. Vehicles and pedestrians within the intersection have the right-of-way. When two vehicles arrive at the intersection at the same time, the vehicle on the right has the right-of-way.
- (c) All traffic control and parking restriction signs must be obeyed.
- (d) The laws, rules and regulations enacted by federal, state, county and municipal governments establishing rules of the road, licensing and registration, required equipment and safety responsibility apply within PebbleCreek and must be obeyed.
- (e) All bicycles, golf carts, Segways and other motorized vehicles must be properly equipped with front and rear lights when operated at night on all streets within PebbleCreek.
- (f) A driver must be of legal driving age to operate a golf cart or Segway anywhere within PebbleCreek, including the golf courses. Private golf carts may be operated on PebbleCreek golf courses in compliance with PCHOA Rules Section 17.4. All golf cart occupants must be seated on a standard bench seat in one of these vehicles.
- (g) Subject to applicable laws relating to disabled persons, unless otherwise posted, sidewalks are for pedestrian use only (i.e., walkers, joggers and runners) and, to enhance safety, must be utilized when available. It is recommended that walkers, joggers and runners walk, jog, or run against traffic when sidewalks are not available. Use of Segways, skates, skateboards, rollerblades and bicycles are not allowed on the sidewalks and may be used only on the streets. Persons participating in these activities acknowledge they are doing so at their own risk.
- (h) It is an unauthorized gate entry:
  - (i) For a Vehicle without a valid PebbleCreek HOA-issued RFID tag to enter at an automated entrance gate.
  - (ii) For a Resident or any other person to intentionally open or hold open an entrance gate allowing an unauthorized vehicle to enter, or to otherwise facilitate an unauthorized gate entry.
  - (iii) For a Vehicle to enter any exit gate at PebbleCreek.
  - (iv) For a vehicle to "tailgate" another vehicle through an entry gate (without waiting for the gate-arm to drop down and recycle).
  - (v) For any vehicle without a valid PCHOA-issued RFID tag to enter PebbleCreek via any entrance other than the Guest Relations-staffed lanes at the gate houses, or for a vehicle without a valid PCHOA-issued numbered sticker to enter there without having also obtained an entry pass from the Guest Relations person on duty.

(vi) Materials, equipment and Vehicles must not block intersections, driveways, mailboxes or more than 1/3 of the drivable portion of the street. Contractors, or Homeowners in the absence of a contractor, are required to provide and place orange cones.

#### **7.4 Parking Rules:**

- (1) Subject to the exceptions and special rules in the following sections, a Vehicle may not be parked:
- (a) In a space reserved for the disabled unless a current and valid disabled license plate or a disabled permit is displayed, and a disabled person is being transported. (City of Goodyear Ordinance)
  - (b) On any portion of the diagonally-striped lines between disabled parking spaces.
  - (c) On other than paved surfaces on private property (City of Goodyear Ordinance) or on a vacant Lot within PebbleCreek.
  - (d) On a driveway or street between 12 midnight and 6 a.m.
  - (e) In a designated no parking area or for longer than a posted time limit.
  - (f) In areas not striped for parking or that are striped for other types of Vehicles. All paved parking lots have been marked with paint stripes to designate parking spaces for autos and trucks, golf carts, or Segways only. Autos and trucks may not park in designated golf cart spaces (narrow spaces too small for cars). Parking two golf carts or two or more Segways side by side in a parking space striped for cars is permitted.
  - (g) In an unsafe manner or in a location that hinders the view of drivers approaching an intersection or hinders the ability of other drivers to drive in a safe manner.
  - (h) For the purpose of promoting or advertising a commercial product without the approval of the Board or its designee.

#### **7.5 Exceptions to Parking Rules for Temporary Parking:**

- (a) PebbleCreek Community Services Patrol or Guest Relations must be notified in advance, to obtain a permit for driveway and street parking of vehicles between 12 midnight and 6 a.m.
- (b) Resident visitor parking on a driveway is allowed, for a maximum of 30 (thirty) consecutive days or 60 (sixty) cumulative days in any calendar year, if displaying a valid entry pass obtained from PebbleCreek Community Services Patrol or Guest Relations.
- (c) As set forth in Article IV, Section 2(t) "Parking" of the CC&Rs, vehicles of all Owners and Residents, and of their employees, guests and invitees, are to be kept in garages, carports and other parking areas designated or approved by Declarant or the Board; provided, however, this section shall not be construed to permit the parking or storing in the above described areas of any vehicle whose parking or storage is otherwise prohibited herein. The PebbleCreek Golf Resort Rules may permit temporary parking on streets or other areas in PebbleCreek Golf Resort for public or private social events or other permitted activities.

(d) In accordance with Article IV, Section 2(v) of the CC&Rs, temporary driveway parking authorization may be granted at the discretion of the Board or its designee. Each request will be reviewed on an individual basis. In general, the following minimum conditions must be satisfied for temporary driveway parking permits:

- (1) If there is a standard or extended two car garage there must be two licensed motorized four wheeled vehicles parked in the garage, one of which may be a golf cart and/or a licensed motorcycle.
  - (a) The area designed for motorized four wheeled vehicles cannot be used for storage of other items or as a workshop.
  - (b) Vehicles authorized for driveway parking must be used on a regular and recurring basis for basic daily transportation.
  - (c) If the registered owner or responsible party is absent from PebbleCreek for 3 weeks or longer, the driveway parking permit may be invalidated.
- (2) If there is a standard or extended three car garage there must be three licensed motorized four wheeled vehicles parked in the garage, one of which may be a golf cart and/or a licensed motorcycle
  - (a) The area designed for motorized four wheeled vehicles cannot be used for storage of other items or as a workshop.
  - (b) Vehicles authorized for long-term driveway parking must be used on a regular and recurring basis for basic daily transportation.
  - (c) If the registered owner or responsible party is absent from PebbleCreek for 3 weeks or longer, the driveway parking permit may be invalidated.
- (3) Golf cart garages count as a third or fourth garage.
- (4) As set forth in Article IV, Section 2(t) "Trucks, Trailers, Campers and Boats" of the CC&Rs, no motor vehicle classed by manufacturer rating as exceeding 3/4 ton, mobile home, motor home, trailer, camper shell, detached camper, boat, boat trailer or other similar equipment or vehicle may be parked or stored on any area in PebbleCreek Golf Resort so as to be visible from neighboring property, common area or street; provided however, this provision shall not apply to (i) pickup trucks of less than 3/4 ton capacity with camper shells not exceeding seven (7) feet in height measured from ground level and mini-motor homes not exceeding seven (7) feet in height and eighteen (18) feet in length that are parked as provided in subsection (v) below and are used on a regular and recurring basis for basic transportation; (ii) trucks, trailers and campers parked in a recreational vehicle storage area, if any, within a residential area or other areas, if any, designated for such parking in non-residential Land Use Classifications, provided however, that all such parking areas have been approved by Declarant or the Architectural Committee; or (iii) trucks, trailers, temporary construction shelters or facilities maintained during, and used in connection with, construction of any improvement approved by Declarant or the Architectural Committee.
- (5) Exceptions may be made for individual cases based on design limitations.

(e) Falsifying or misrepresentation of conditions to receive a pass will result in immediate revocation of the pass.

All authorizations for temporary driveway parking must be in writing, and the Vehicle must display a parking pass or decal issued by the PebbleCreek Community Services Patrol. All driveway passes that are issued are subject to verification of the Rules by the PCHOA Board or its designee including physical inspections. At a minimum, the following will apply:

- (i) Only one (1) waiver will be granted for each lot.
- (ii) No vehicle covers will be allowed for any portion of the vehicle.
- (iii) No contents are allowed in the bed of any vehicle.
- (iv) No portion of any vehicle can protrude into a walkway or street.
- (v) If modifications are made to the garage by the current owner, and the vehicle cannot be parked in the garage, no waiver will be granted.
- (vi) Renters will not be granted a waiver if the homeowner is storing items in the garage that prevent parking the renter's vehicle inside.
- (vii) Vehicles that have been granted a waiver will not be parked in the driveway for more than 3 weeks per calendar year when the homeowner is not in residence.
- (viii) An administrative fee shall be required for Driveway Parking waivers. This administrative fee shall also apply to Residents that have been granted Driveway Parking waivers to park vehicles in the Board designated parking spaces. The fee for the waiver shall be established by Board Policy.

(f) Vehicles covered by Arizona Revised Statutes that are required to be available at the Homeowner's residence as a condition of the Homeowner's employment are exempt from PebbleCreek HOA driveway parking rules.

#### **7.6 Special Rules for Recreational Vehicles:**

(a) A Resident's RV may be parked on the street in front of the Resident's residence to load, unload or to clean the vehicle for up to 48 hours within any 7-day period. A Visitor's RV may not be parked on the street or on a driveway overnight.

(b) Residents or guests seeking to use the lot overnight must obtain a non-renewable 72-hour permit from the Eagle's Nest main gate house attendant, space permitting. The permit must be prominently displayed on the vehicle. Only one permit for a vehicle is allowed in a three-week period. Unauthorized vehicles may be towed by the PCHOA at the owners' expense.

(c) Sleeping in an RV is prohibited while parked in PebbleCreek.

#### **7.7 Additional Parking Rules for Business Visitors:**

(a) No Business Visitor may work, park, or store any equipment or Vehicle overnight on any street, parking lot, Lot, driveway, or Common Area within PebbleCreek in such a manner as to be visible from a neighboring property or from any street without approval from the Board or its designee.

(b) Moving vans that must stay overnight must be registered in accordance with 7.6 (b) above.

#### **7.8 Special Restrictions for Oversized and Other Vehicles:**

Except as provided above, no motor vehicle exceeding 3/4-ton, mobile home, motorhome, trailer, camper shell, detached camper, boat, boat trailer or other similar equipment or vehicle may be



parked or stored on any area in PebbleCreek so as to be visible from a neighboring property, Common Area or street. Trucks, trailers, motorhomes, and campers may be parked in a designated RV storage area or as otherwise specifically authorized by the Board. (Refer to CC&Rs, Article IV, Section 2(t))

**7.9 Inoperable Vehicles:**

No inoperable motor vehicle of any kind shall be constructed, reconstructed or repaired upon any lot, parcel or street or other area in PebbleCreek, and no inoperable vehicle may be stored or parked so as to be visible from neighboring property or to be visible from common areas or streets; provided, however, that this provision shall not apply to emergency repair of a vehicle.

**Section 8: Property Exterior Appearance and Activities**

**8.1 Exterior Modifications:**

No improvements, alterations, repairs, landscaping or other work that in any way alters the exterior appearance of any property within residential areas of PebbleCreek may be made without prior written approval of the ALC. Residents should familiarize themselves with the ALC Guidelines, which specify standards and maintenance responsibilities of Residents.

**8.2 Holiday Decorations:**

Exterior holiday decorations and colored lighting are allowed November 15 - January 15. All other holiday decorations are allowed 15 days before the holiday(s) and must be taken down no later than 4 days after the holiday(s).

**8.3 Window Coverings:**

Permanent window coverings must be installed within 120 days after close of escrow. Aluminum foil, cardboard, paper, insulation material or any other similar material is not allowed inside or outside of a window.

**8.4 Nuisances:**

- (a) No weeds, dead trees or plants, rubbish or debris of any kind may be placed or permitted to accumulate upon any Lot.
- (b) No odors or loud noises may be permitted to emit from any Lot so as to render the Lot unsanitary, unsightly, offensive or detrimental to any other property.
- (c) No exterior speakers, horns, whistles, firecrackers, bells with moveable clappers, or other sound devices, except security devices, may be located, used, or placed on any Lots.
- (d) There will be no hanging or draping clothes, rags, carpets or other paraphernalia visible to neighbors.
- (e) No thing or condition may be permitted to exist upon any Lot if it includes, breeds, or harbors diseases or insects.
- (f) No other nuisance shall be permitted to exist or operate upon any Lot.

**8.5 Maintenance and Dust Control:**

- (a) Each Homeowner is responsible for the proper maintenance of all landscaping on the Lot, including setback and easement areas. In the event any portion of a Lot is so maintained as to present a nuisance, or to detract from the appearance or quality of the surrounding lots, the Board may give notice thereof and require corrective action within 14 days.
- (b) All Homeowners shall comply with City of Goodyear and Maricopa County environmental ordinances, upon which the following rules are based. Homeowners are responsible to ensure that all work performed on their property by others complies with this section:
  - (1) A person shall only operate a leaf blower on a stabilized surface and shall not operate a leaf blower in a manner that causes landscape debris to be blown onto a roadway. A

“stabilized surface” is generally defined as a surface that has been covered with asphalt, concrete, hardscape, decomposed or crushed granite, gravel, grass or other continuous vegetative material.

(2) The owner of a vacant lot shall not allow vehicle parking or use unless the lot has been paved or otherwise stabilized to minimize generation of dust or particulate matter.

(3) A person shall not create “track-out,” the transfer by vehicle of dust or dirt from land that has not been stabilized onto a paved roadway. Any and all track-out must be cleaned up immediately.

(4) A person shall not create “opacity,” dust in the air resulting from working in dry dirt such that the view of the work area is obscured.

(5) Designated members of the PebbleCreek Patrol and Dust Control Committee are authorized to enforce rule violations under section (b) above.

#### **8.6 Outside Lighting:**

Outside lighting fixtures, except for front carriage lights, must be situated and adjusted so as to minimize glare to neighbor’s property.

#### **8.7 Recyclables and Trash:**

(a) Recyclables, trash, and bulk trash pick-up will be on days and in accordance with procedures specified by the City of Goodyear.

(b) Containers may be placed in the street in areas not blocking any mailbox, next to the roadway curb after 4:00 p.m. the evening prior to a scheduled pick-up day. All empty containers are to be returned to a storage area by midnight on pick-up days. Except for the uncontained trash pickup, all trash and recyclables placed for pickup must be in a trash and/or recyclables container.

(c) Stored containers must not be visible from neighboring property and must be behind an ALC-approved wall or stored in the garage.

(d) Disposal of waste and unwanted materials is controlled by federal, state and local laws that must be observed by Residents. No dumping is allowed within PebbleCreek.

#### **8.8 Conduct of Business on Residential Use Property:**

(a) No occupation, business, profession, trade or other non-residential use may be conducted in a PebbleCreek residence except a Resident may conduct business activities in his/her residence so long as the business activity is not apparent or detectable by sight, sound or smell from the outside of the residence. Excessive traffic to and around the dwelling will be considered an indication of an ongoing business and creation of a nuisance.

(b) Garage sales, yard sales and driveway sales are not permitted. The Board or its designee may periodically authorize organized community yard sales to be conducted at a designated parking lot.

(c) The administrator of a deceased homeowner's estate may obtain a permit for an estate sale from the Community Services Patrol. The fee for the permit and conditions for the sale will be established by Board policy.

### **8.9 Flags on Vertical Flagpoles:**

- (a) A permit to erect a vertical flagpole must be obtained from the ALC. The height of the flagpole may not exceed the rooftop of the house. The following flags may be flown from the vertical flagpole:
- The American flag or an official replica flag of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, if the American flag or military flag is displayed in a manner consistent with the Federal Flag Code.
  - The POW/MIA flag
  - The Arizona state flag
  - An Arizona Indian Nation's flag
  - The Gadsden flag
  - First Responder flag
  - Gold and Blue Star military families' flag
  - Any historic version of the American flag, including the Betsy Ross flag, without regard to how the stars and stripes are arranged on the flag.
- (b) First Responder flag is defined as a flag that recognizes and honors the services of any of the following and may incorporate the design of one or two other First Responder flags to form a combined flag:
- Law enforcement and that is limited to the colors black, blue and white with specified words and the symbol of a generic police shield in crest or star shape.
  - Fire department and that is limited to the colors gold, black, red and white with outlined words and the symbol of a generic Maltese cross; or
  - Paramedics or emergency medical technicians and that is limited to the colors white, blue and black with specified words and the symbol of a generic star of life.
- (c) "Betsy Ross flag" means an historic flag of the United States that consists of thirteen stripes alternating between red and white stripes and thirteen five-pointed white stars arranged in a circle against a blue background.
- (d) No other flags, pennants, windsocks, decorative flags, or seasonal banners are permitted on a vertical flagpole.

A maximum of two (2) of the flags in 8.9(a) may be flown at the same time on the flagpole. No flag may be flown above the United States flag. All flags must be in good condition.

### **8.10 Flags on Standards Other Than Vertical Flagpoles:**

(a) Any of the flags listed in 8.9(a) may be flown from a flag standard mounted to the house. A maximum of two (2) flags may be mounted on flag standards mounted to the house structure at the same time. All flags must be in good condition and the American flag or military flag must be displayed in a manner consistent with the Federal Flag Code.

(b) Decorative flags, banners, etc., may be displayed for a special event, but in no case for more than 3 consecutive days within a seven (7-day) period. These decorative items must not

exceed 3 feet by 8 feet. Decorative flags, banners, etc., may be flown on any vehicle. The maximum size for these shall not exceed 12 inches by 18 inches and are not subject to the “3 consecutive days within a 7-day period” restriction.

(c) One political flag will be allowed to be flown from a flag standard attached to a house. These political flags are part of the allowed political signage and are subject to the same Rules as political signs.

(d) Permitted political flags shall only have candidate names, public officers supported or opposed in a recall, or the number of propositions supported or opposed.

(e) The PCHOA Board, in its sole and absolute discretion, shall have the authority to determine whether a particular flag is considered “political”. Further, the Board can prohibit any flag with vulgar language or with offensive or racist meaning.

**Up to a maximum of two (2) flags per property may be flown, either on a flagpole or from house-mounted flag standards, at the same time.**

#### **8.11 Signs:**

Signs erected in PebbleCreek and visible from neighboring property must meet the following guidelines:

(a) House Number - Not more than two identifying house-number signs of less than 72 square inches each (typical 4 x 18 inches) are allowed for each individual detached residence. The lighted house number sign installed on the garage is one of two identification signs allowed.

(b) For Sale, Rent or Lease signs must be commercially produced. The size shall not exceed 24 inches by 24 inches. Sign riders shall not exceed six by twenty-four inches and the maximum number allowed is four. No lighted signs or other marketing is allowed on these signs.

(c) Open house signs shall not exceed 24 inches by 24 inches. “Open Houses” are allowed between the hours of 8 a.m. till 6 p.m. only.

(1) Open House signs may be placed on common areas, but only during the hours when the Open House is being conducted. Open House signs will be limited to a maximum of six. Flags, balloons, or other decorations will not be allowed to be attached to the signs. No other flags, balloons, banners, etc., can be displayed at an Open House.

(2) Signs that do not meet these limitations or are in disrepair will be removed by Community Services Patrol. A citation may be issued, if appropriate.

(d) Two security signs are allowed, one in the front yard and one in the rear yard. A security decal is allowed on the power panel on the side of the house. Upon approval by the HOA Board, additional security signs may be allowed.

(e) All contractor signs must meet the specifications of Section 8.11(b), and must be removed when the job is substantially completed. The Patrol may remove these signs if the job appears to be completed.

(f) Homeowners may place political signs indoors or outdoors on their property subject to the following conditions:

(1) Political signs for federal, state and local elections may be posted seventy-one (71) days prior to and fifteen (15) days following an election.

(2) Display Association-specific signs between the date that the association provides written or absentee ballots to members and three days after the Association election.

(3) The HOA Board may adopt regulations regarding the size and number of political signs if the regulations conform to local ordinances.

(4) The aggregate total dimensions of all political signs must not exceed nine (9) square feet.

(5) No sign may be placed in the Common Areas.

(g) All other signs must be approved by the HOA.

## **Section 9: Animals and Birds**

### **9.1 Pet Control**

(a) All pets must be (i) kept in a fenced yard or (ii) controlled on a leash. No animal or bird may be allowed to make an unreasonable amount of noise or to become a nuisance. It is the responsibility of each pet owner to remove immediately any droppings from their pets. (See Goodyear Ordinances, Chapter 7 for additional requirements.)

(b) Pets are not allowed at any time:

(1) On the golf courses

(2) On the erosion control corridors

(3) In the pool areas

(4) In any of the PebbleCreek facility buildings or on the patios. The Board or its designee may approve exceptions for special events.

(c) Pets are not allowed on the private property of neighbors unless the pet is being carried or the neighbor permits. This includes the utility easement area that starts at the curb.

### **9.2 Service Animals**

When accompanied by a disabled person, service animals as defined by the Americans with Disabilities Act or Arizona Revised Statutes are permitted access to any area to which the disabled person is permitted access.

### **9.3 Wild Animals**

Residents may not intentionally feed, attract or otherwise entice wildlife into PebbleCreek, with the exception of hummingbirds as permitted by ALC Guidelines.

## **Section 10: Resident Groups And Clubs**

### **10.1 Purpose:**

(a) The purpose of Resident Clubs and Organizations obtaining Board approval as a “Resident Organization”, is to aid the Association in the administration of facility use by the Residents. Resident Organizations are authorized to use the name “PebbleCreek” in the title of their Club or Organization and will receive priority over non-approved Clubs and Organizations in the booking of PebbleCreek facilities, the posting of announcements on the Clubhouse bulletin boards, Pebble TV, the PCHOA website, PebbleNews, and the publishing of articles.

(b) Residents should be aware that the Association does not investigate or evaluate the Resident Organizations’ activities or finances, and the safety of any activities that involve physical exertion such as dancing, sports, or exercise. Persons participating in Resident Organization activities do so at their own risk, must evaluate the suitability of those activities for themselves, and may be asked to sign a Waiver Form for the benefit of the Association.

(c) All PebbleCreek-approved Clubs and Organizations agree to be included in the published PebbleCreek Approved Clubs and Organizations List.

### **10.2 Eligibility for Approval:**

Only those Clubs and Organizations that have at least 15 members and whose membership is open exclusively to PebbleCreek Residents, are eligible to receive and maintain approved status. Organizations that have allegiance to pay dues to, subscribe to, or are identified with an outside organization may apply for approval to operate in PebbleCreek providing membership is strictly limited to PebbleCreek Residents.

### **10.3 Approval Procedure:**

Every organization applying for Board approval must submit to the RCC a signed “Facility Use Agreement for PebbleCreek Recognized Clubs”. The RCC will review the document and either approve the Club Agreement or return it if more information is needed.

### **10.4 Dissolution of the Resident Organization:**

Dissolution of the Resident Organization will require a notification to the Rules Compliance Committee that the members have been advised that they are liable for any debts incurred by the Resident Organization and must satisfy them in full prior to the dissolution. Dissolution of a Resident Organization requires the approval of the Board.

### **10.5 Record Retention:**

Each Resident Organization, when required, must obtain, keep in its files, and keep current, “Member Waiver” forms.

### **10.6 Instructor Related Submissions:**

Each Resident Organization, when required, must obtain, submit and keep current, “Instructor Registration and Waiver” forms. Resident Organizations must ensure that compensated instructors submit a monthly “Instructor Payment”. Such submissions are to be made at the Eagle’s Nest Clubhouse front desk.



### **10.7 Annual Submission:**

Each Resident Organization must file annually, between January 1 and March 31 with the Rules Committee, an Annual Submission containing:

- (a) A completed Facility Use Agreement.
- (b) A list of all Club members with contact information.
- (c) A statement that all Club members are Residents of PebbleCreek (must have at least 15 members to maintain approved Club status).
- (d) A statement that describes the Purpose of the Club.

### **10.8 Notices:**

- (a) Each Resident Organization must promptly notify:
  - (1) The RCC if its membership drops below 15 members or if it decides to dissolve.
  - (2) The Activities Office and the PCHOA webmaster in writing of changes to meeting date, time, location, or contact person.

### **10.9 Suspension and Termination of Approved Status:**

The RCC will refer the Resident Organization to the Board for a hearing to suspend or terminate approved status under the following circumstances:

- (a) Suspension. If the Resident Organization fails to timely file the annual submission or fails to file a corrected annual submission within 30 days of the request for correction.
- (b) Termination. (i) if a suspension under (a) above has continued for 60 days, (ii) if membership drops below 15 members, (iii) the Resident Organization otherwise ceases to meet the eligibility and approval criteria, or (iv) for good cause.

**Section 11: Facilities - Generally Applicable Rules**

**11.1 Authorized Users:**

Unless otherwise specified in these Rules, use of any PebbleCreek facility other than Public Facilities is limited to Residents, Resident Visitors, and Robson Preferred Guests.

The HOA Board may promulgate administrative and operational policies regulating the use of PebbleCreek facilities, limiting facility use by visitors, setting facility use fees, and establishing Guest Cards and associated policies and procedures.

Recreational fields, courses and courts are to be used exclusively for the sport in which they were designed, unless otherwise approved by the Board.

**11.2 Facility Scheduling and Booking:**

Requests for an officially scheduled use of facilities, when food or beverages will be provided, with the Director of Food and Beverage. All other booking requests are to be made with the Director of Community Activities.

**11.3 Identification Cards:**

Proper identification is required to use any PebbleCreek facilities other than Public Facilities, which are excluded from the requirements of this section.

- 1. Resident Homeowner Members and Associate Members receive a permanent PebbleCreek Identification card upon assuming residence in PebbleCreek. Resident tenants (renters) receive a PebbleCreek Identification card upon registering their lease with Resident and Guest Services, valid for the term of their lease. All Residents must have this identification card in their possession to use any PebbleCreek facility.
- 2. Resident Visitors over the age of 17 must have a Guest Card in their possession to use any PebbleCreek facility, except as otherwise authorized by the HOA Board. The Resident being visited may procure Guest Card(s) for their visitor(s) at either Eagle’s Nest or Tuscany Falls Resident and Guest Services. The cards may be secured in advance of the Resident Visitors arrival. A maximum of six (6) Resident Visitor Guest Cards will be permitted for each PebbleCreek residence at one time, without prior permission of the Board or its designee. Robson Preferred Guest Cards are issued by the Robson sales office for visitors under that program.
  - (a) The Board may establish use fees for these passes and may allow each Homeowner a specific number of free passes per year. The pass fee must be paid in cash or by presentation of a Pre-paid Guest Fee card.
  - (b) To obtain the allowed free passes, the Homeowner may obtain a single Prepaid Guest Fee card at no charge, good for the calendar year only, from Resident and Guest Services. This card indicates the initial number of free passes allowed. Unused Prepaid Guest Fee cards expire at the end of their current calendar year, with no refund for any unused value.
  - (c) Residents who have no further free Guest Passes remaining, may purchase additional Prepaid Guest Fee cards at rates and in units established by the Board from time to time.

#### **11.4 Visitors under 18 years of age:**

A Resident or adult Resident Visitor must accompany all visitors under the age of 18 who use any PebbleCreek recreational facility. Persons using the Fitness Centers must be 18 years or older.

#### **11.5 Resident responsibility:**

Residents will be held accountable and responsible under PebbleCreek HOA Rules for the actions and conduct of, or any damage caused by, their visitors.

#### **11.6 Verification:**

Designated HOA employees are authorized to require facility users to show their identification card and pass if appropriate.

#### **11.7 Priority of use:**

Residents and Resident guests will have priority to use all fitness center equipment, pools or courts. Outside activities will be approved and coordinated through the Director of Community Activities & Communications or the Board of Directors.

#### **11.8 PebbleCreek Dog Park:**

The PebbleCreek Dog Park is open to Residents only. The hours of operation and the Rules are posted at the Dog Park entry gate.

#### **11.9 Trespassers:**

Residents are encouraged to bring to the attention of a facility staff member any suspected unauthorized person within or on the facilities. The facility staff will verify the status of the person reported and take appropriate action if it is determined that they are trespassing. If a Resident assists in unauthorized use of facilities, the HOA Board may suspend the resident from use of PebbleCreek facilities for up to sixty (60) days for the first violation.

#### **11.10 Removal of Facility Property:**

Items of property belonging to PebbleCreek are not to be removed from the facilities without the permission of the Board or its designee.

#### **11.11 Damage to Facility Property:**

The organizations, groups or persons using a facility will be responsible for any damage to Association property that arises out of that use that is not attributable to ordinary wear and tear.

#### **11.12 Loss of Personal Property:**

PebbleCreek is not responsible for the loss of anyone's personal property while using the facilities.

### **11.13 Alcoholic Beverages:**

It is illegal to bring alcoholic beverages into PebbleCreek facilities covered by Association's liquor licenses. Pursuant to conditions in the Association's Liquor License, alcoholic beverages for consumption at PebbleCreek facilities must be purchased from the Association through the Director of Food and Beverage.

### **11.14 Smoking:**

Smoking, e-cigarettes and vaping are not permitted within any PebbleCreek facility buildings, pools, restaurant patios, outdoor sports facilities or within 20 feet of any building entrance, open window or ventilation system. The Board may establish designated smoking areas.

### **11.15 Firearms:**

Firearms are not permitted in or on any PebbleCreek HOA-owned Clubhouse, Food and Beverage, Recreational, Park, Fitness, or Arts and Crafts properties except when carried by active and retired law enforcement officers pursuant to the Law Enforcement Officers Safety Act. Possession of firearms, in accordance with applicable Arizona statutes, on PebbleCreek streets, parking, and Common Area walking paths and on Residents' private property is permitted. The PCHOA Board may grant exceptions to this rule.

### **11.16 Maintenance Areas:**

The maintenance areas are off-limits to all persons unless accompanied by an authorized PebbleCreek Employee.

### **11.17 Instructor Fees and Contracts:**

Persons, other than Instructors who are under contract with the PCHOA, who provide instruction or other services for compensation while using a PebbleCreek facility, must pay a fee to the Association. Board approval of the activity must be obtained, and a contract must be completed when the facility is reserved. Residents must pay the service provider directly.

### **11.18 Posted Directives:**

Persons using PebbleCreek facilities and Common Areas must comply with posted directives.

### **11.19 Website:**

Members, Associate Members and tenants who have a lease of one year or more, are allowed to access the password-protected portion of the Association website.

### **11.20 Risks and Waiver Forms:**

The Association in the administration of facility use does not investigate or evaluate user activities and the safeties of any activities that involve physical exertion such as dancing, sports, or exercise. Persons participating in such activities do so at their own risk, must evaluate the suitability of those activities for themselves and be asked to sign a waiver form for the benefit of the Association. Organizations not covered by Section 10, or persons that sponsor or provide such activities, when requested, must obtain and provide such waivers to the Association office.

### **11.21 Recording Open Board Meetings:**

- (a) Homeowners may make audio and/or video recordings of open board meetings subject to policies established by the Board according to Arizona Revised Statutes.
  - (1) In order to prevent interruptions, all recording equipment must be in position 15 minutes prior to the start of the meeting.
  - (2) Any recording equipment must not produce sound or distracting light emissions.
  - (3) All persons utilizing recording equipment must set up the recording equipment in the place designated by the Association.
  - (4) All recording equipment is the responsibility of the person wishing to record, the Association is not obligated to provide equipment.
  - (5) If any recording equipment fails, the Association will not stop the meeting while the equipment is reset.
  - (6) Any person recording a meeting must provide the Association an unabridged copy of the recording within ten (10) days after the meeting.
  - (7) Any recording shall not be disseminated outside of the Association without the written consent of the board.
  - (8) No recording of a meeting shall be posted, or otherwise made available on the internet without the written consent of the Board.
- (b) A person wishing to record is required to sign a form prior to recording a meeting which acknowledges:
  - (1) A recording of a meeting is not the official record of the meeting; the approved meeting minutes are the official record of the meeting.
  - (2) The Association does not make any representations as to the authenticity of the recording.
  - (3) Any recording shall not be disseminated outside of the Association without the written consent of the board; and
  - (4) All Rules and Regulations adopted by the association will be adhered to during the recording of the meeting.

**Section 12: Clubhouse Facilities**

**12.1 General:**

Residents and Visitors (other than Business Visitors) are privileged to use the Clubhouse facilities unless such privileges have been suspended. Residents and Visitors must have a valid PebbleCreek identification card in their possession. Designated HOA employees are authorized to require facility users to show their identification card.

(a) Dress Code:

(1) Clubhouses/Restaurants Generally.

- (i) Shirts, blouses, pants, skirts, dresses, or shorts and shoes are required for all members and their guests.
- (ii) Clothing covering the torso must be worn over swimwear when inside all facilities except the locker rooms and when on the patio/grill area.
- (iii) Tennis and golf clothes are appropriate.

(b) Food and Beverages:

The Policy and Procedures for events involving food and beverages are authorized under "HOA POLICY ON POTLUCK EVENTS 2016-2". Violation of liquor or health regulations would subject Residents/groups to a minimum fine of \$100.00 per occurrence and suspension of privileges for booking future potlucks or other events.

A contract will be required and fees will be charged for facility use in accordance with policies established from time to time by the Board.

- (1) Contracts will not normally be necessary for small Resident events when no fees are charged.
- (2) Fees may include, but are not limited to, a facility rental fee, set up fee, clean up fee, ceremony fee, and a security person fee.

**12.2 Use of Rooms and Patios:**

(a) Ballrooms and Other Facilities:

- (1) The Ballrooms and specified facility rooms are available for use by Residents, Resident Visitors and by Non-residents who are sponsored by a Homeowner or the Board or its designee. Non-residents must contract with the Association to schedule use of the Ballroom or other facilities
- (2) Dining rooms, snack bars, bars, and lounges are open to Residents and Visitors.
- (3) The Eagle’s Nest Library is for the use of Residents and their guests only. No food or drink is allowed in the Eagle’s Nest library. The Tuscan Falls library is part of the Portofino Coffee Bar and only food and drink purchased from the Portofino Coffee Bar are allowed. Food and drink may also be allowed at times determined by the Board or its designee.

(4) Unless reserved for a scheduled special event, patios will be for the use of Residents and Visitors.

(5) Residents and Visitors are not permitted in the staff offices unless invited by an appropriate Association Employee.

(6) Persons other than Association Employees are not permitted in service areas without prior approval of the Board or its designee. Access to service areas is available if prior contractual arrangements are made to move equipment in or out through these areas. Service areas include kitchens and other food preparation areas, refrigerators, food and bar storage rooms, areas behind bars and laundry rooms.

### **12.3 Events:**

(a) Resident Organization activities:

(1) Resident Organizations may use Clubhouse facilities for their meetings, parties and social events without paying a facility rental fee.

(2) Resident Organizations may invite guests to participate in their activities if it is clear that it is not a method of circumventing the membership restrictions contained in Section 10. The number of guests may not exceed the number of Resident Organization members attending nor may it be a regular ongoing practice.

(3) Resident Organizations may invite guest speakers to their regularly scheduled meetings. The Board reserves the right to itself, or through its designee, to approve any guest speaker(s) and require them to sign an agreement of content and intent.

(4) Clubhouse facility reservations for an activity not scheduled and sponsored by a Resident Organization where a Resident or Non-resident instructor is hired to teach a scheduled Resident activity, such as ballroom dancing, exercise classes, CPR, medical exams, etc., are subject to approval by the Board or its designee on a case-by-case basis.

(5) Clubhouse facilities reserved for activities where both Residents and Non-residents are invited will be assessed a facility rental fee.

(6) Individual Residents may schedule a family function with Resident Visitors in attendance without paying a rental fee.

(7) Resident functions not meeting the guidelines above require the Board or its designee's approval and fees may be assessed.

(8) Non-resident functions and functions that raise funds for profit must be approved by the Board or its designee and fees will be assessed.

### **12.4 Facility Scheduling and Booking:**

Requests for an officially scheduled use of facilities must be made, when food or beverages will be provided, with the Director of Food and Beverages. All other booking requests are to be made with the Director of Community Activities.

## **Section 13: Swimming Pools and Spas**

### **13.1 Authorized Use:**

Use of the Swimming Pools and Spas are subject to all the conditions of Section 11: "Facilities – Generally Applicable Rules". Note particularly Subsection 11.3 regarding identification, passes and fees.

### **13.2 Use of Main Pools, Lap Pool, Spas:**

(a) The Oasis Pool hours are posted at the pool. The Eagle's Nest and Tuscany Falls pools and spa hours are posted at the pools.

(b) Children under 18 years old are not permitted to use the indoor pool at Tuscany Falls, the Oasis Pool or the lap pool at Eagle's Nest or the spas.

(c) Children Hours posted at the main pools and are determined by the PebbleCreek Homeowners Association Board of Directors.

(1) Children aged 8-17 years must be accompanied by an adult and are permitted to swim in the main pool at Eagle's Nest only from 9 a.m. – 1 p.m., and in the outdoor pool at Tuscany Falls only from 1-5 p.m.

(2) Children aged 7 years and under may also use the specified main pool during the hours noted above during the following periods: The last two weeks of March and the seven (7) days before through seven (7) days after Thanksgiving and Christmas. Other periods or times may be determined at the discretion of the Board or its designee.

(3) Children must be toilet trained to use the main pools. Diapers of any sort are not allowed in the main pools. Violators will be asked to leave the pool complex for the day.

(d) Only lap swimming or aqua walking is permitted in the lap pool at Eagle's Nest, the lap area in the main pool at Tuscany Falls, and in the indoor pool at Tuscany Falls. Exceptions are allowed to accommodate Fitness Center approved group exercise classes and special programs, or as determined by the Board or its designee as directed by the Board. The time limit for lap swimming is 30 minutes when others are waiting to use the lanes. Lap lane users may be required to share lanes with other users.

### **13.3 Use of Children's Pool:**

(a) Pool usage guidelines are posted in the pool area and are subject to policies established by the Director of Recreation and Board of Directors.

(1) The Children's pool at Tuscany Falls is available for use by children 7 years of age and under. Children who are not toilet trained and who still require diapers are required to wear waterproof swim pants.

(2) Children must be accompanied by an adult, with one adult accompanying no more than 3 children.

(3) Children are allowed in the pool from 9:00 a.m. to 5:00 p.m., or at other times as determined at the discretion of the Board or its designee.



#### **13.4 Group and Association Events:**

Any Resident, committee, or club may schedule a special event at a pool without a facility charge through the Board or its designee. The pool will remain open to all Residents and their guests for use of the pool during the time of any scheduled special event. Residents, committees and clubs may arrange, through the Board or its designee, for food and/or bar service at the pool for those attending a special event. Food and bar service provided through such an arrangement will not be available to other Residents and Visitors using the pool but not participating in the special event. Food trucks are not allowed at any pool unless approved by the Board or its designee.

#### **13.5 Lifeguards:**

There are no lifeguards on duty. Swimming is at the user's risk. Residents must advise their Resident Visitors and monitor them while in the pool.

#### **13.6 Restrictions:**

(a) Showering and Sunscreens. All persons using the pools are required to shower before entering. Only waterproof sunscreens are permissible.

(b) Rowdiness, diving, etc.; Rowdiness, diving, running, or jumping into the pool is dangerous and not permitted. Ball tossing, Frisbees, etc., are not allowed in the main pools. Limited use of small kiddy pool toys is allowed in the children's pool. Violators will be asked to leave the pool complex for the day.

(c) Fun noodles. Two "fun noodles" or one "fun noodle" with nylon webbing for seating per person are permitted but cannot be configured or utilized in such a way as to create a raft for lounging. One set of "water wings" per person and arm flotation bands for small children are permitted.

(d) Glass, Food and Beverages: Glass containers are not permitted in the pool or spa areas. Food items and non-alcoholic beverages may be brought into the pool area, provided they fit in a small 6-pack sized cooler. Food must be consumed while on the pool deck and is not allowed in the pool water. Beverages in plastic containers with lids may be consumed while in the pool water.

(e) Dress code: Proper swimming attire must be worn. Cut offs, jeans, or street clothes are not allowed. Nude swimming or lounging is not allowed. Pool patrons entering or exiting the pool areas through the fitness center must wear a swimsuit cover (shirt, shorts, robe, etc.) over their torso and appropriate footwear.

(f) Open Wounds: Persons with open wounds or sores may not use the pools.

(g) Posted directives: All persons using the pools and spas are required to comply with posted directives and HOA rules. In the event of repeated violation(s) or a serious safety violation, the Board may impose sanctions as specified in Section 6.2 and 6.3.

## **Section 14: Fitness Center and Sports Center**

### **14.1 Authorized Use:**

- (a) Use of the Fitness and Sports Centers are subject to all the conditions of Section 11: “Facilities – Generally Applicable Rules”. Note particularly Subsection 11.3 regarding identification, passes and fees. Fitness Center Hours are posted at Eagle’s Nest and Tuscan Falls Fitness Centers, and Subsection 11.4 regarding age restrictions.
- (b) The Fitness Center Staff recommends all users of fitness center equipment complete an orientation, which the staff will provide upon request.
- (c) Specific rules for the use of the Centers and equipment are posted in the fitness facilities. Users must also follow any posted directives for use of the Centers and equipment.
- (d) Users must sign a confirmation, acknowledgement, and waiver form.
- (e) The Manager, supervisor or instructor on duty at the Centers has the authority to deny use of the Centers to anyone not complying with the Rules.

### **14.2 Locker Rooms, Steam Rooms, Saunas and Lockers:**

Locker rooms, steam rooms, saunas and lockers are for use only by Residents, Resident Visitors, and Robson Preferred Guests. Visitors 18 years old and over are permitted to use the steam rooms and saunas. Lockers are for use daily.

### **14.3 Dress Code:**

Appropriate workout clothing and athletic shoes, as established and posted by the Fitness and Sports Centers staff, must be worn by all users of the Centers. Clothing must not present a safety hazard while using the equipment. The supervisor or instructor on duty will notify users if their clothing or shoes are not appropriate, or present a safety problem, and has the authority to refuse use of the Centers to anyone not complying with the dress code.

## **Section 15: Tennis and Pickleball Court Rules**

### **15.1 Authorized Use:**

- (a) Use of the Tennis and Pickleball Courts are subject to all the conditions of Section 11: “Facilities – Generally Applicable Rules”. Note particularly Subsection 11.3 regarding identification and passes.
- (b) Members of teams in any league(s) must be Residents.
- (c) Guests must be checked in and have a Recreation Facility Guest Pass in their possession.

### **15.2 General:**

- (a) Hours of playing time will be posted at the Tennis and Pickleball courts.
- (b) Tennis: The PebbleCreek Tennis Club establishes and manages, under the oversight of the PebbleCreek HOA, the Rules for use of the PebbleCreek tennis courts. Current court use and scheduling information can be found on the Club’s website at <http://www.pebblecreektennis.org>.
- (c) Pickleball: The PebbleCreek Pickleball Club establishes and manages, under the oversight of the PebbleCreek HOA, the Rules for use of the PebbleCreek pickleball courts. Current court use and scheduling information can be found on the Club’s website at <http://www.pcpickleball.org>.

### **15.3 Dress Code:**

- (a) Acceptable Attire: T-shirts, golf shirts, shorts, warm-up suits, tennis shirts, skirts, and dresses are acceptable. No cut-offs are permitted. Shirts must always be worn.
- (b) Footwear: Only appropriate, non-scuffing athletic shoes may be worn while on the courts.

## **Section 16: Bocce Ball and Horseshoes**

### **16.1 Authorized Use:**

- (a) Use of the Bocce Ball and Horseshoe Courts are subject to all the conditions of Section 11: "Facilities – Generally Applicable Rules". Note particularly Subsection 11.3 regarding identification and passes.
- (b) Members of teams in any league(s) must be Residents.

### **16.2 Hours, Reservations and Time Limits:**

- (a) Individual horseshoe and bocce courts are open for play from 6:30 a.m. to 10 p.m. Hours will be 8 a.m. to 10 p.m. for organized events.
- (b) The horseshoe and bocce courts may be reserved for group functions. Reservation books are located at the Sunrise Park courts and at the Eagle's Nest Sports Center. Sign in must be in person and no telephone calls to Clubhouse offices will be accepted. All group functions are for a minimum of four.
- (c) Play will be limited to 1.5 hours if there are other Residents waiting to use a court.

## **Section 17: Golf Course Rules**

### **17.1 Authorized Users:**

- (a) Residents, Resident Visitors, and Robson Preferred Guests may use the golf facilities if they have a valid identification card authorizing facility use and present this card at the Pro Shop when checking in to play golf.
- (b) The Director of Golf may authorize use of the golf courses and practice facilities by local high school golf teams and members of the general public and may permit the golf courses to be reserved for use by outside groups.
- (c) Golfers must be at least 16 years of age to play on the golf courses. Golfers under 16 years of age must have permission from the Golf Professionals or staff before checking in to play golf.

### **17.2 General:**

- (a) It is the responsibility of Homeowners to inform their Resident Visitors and Tenants of golf course Rules.
- (b) Persons owning, occupying or using any Lot or other area adjoining the golf courses and practice facilities are deemed to have assumed the risks of personal injury and property damage resulting from golf balls hit onto such Lot or other area by persons playing golf on the golf courses and practice facilities.
- (c) Golf balls are out of bounds and lost if they fall onto private property during play. Golfers may not enter private property to retrieve golf balls.
- (d) Unless otherwise approved by the Board or its designee, the golf courses and the golf course cart paths are restricted for golf play only. Only authorized golf course personnel and persons who have checked in at the Pro Shops, or have been approved to play golf, are allowed on the golf course cart paths. Roadways are to be used when traveling to and from Clubhouse areas.

### **17.3 Tee Times and Check-in:**

- (a) Tee times are scheduled according to procedures established by the Director of Golf. All golfers must check at the Pro Shops to determine the procedure for scheduling tee times.
- (b) The tee time may be lost if the players do not check in at least 30 minutes prior to tee time. When checking in, PebbleCreek identification card(s) must be presented at the Pro Shop.

### **17.4 Golf Carts and Segway Human Transporters:**

- (a) Privately owned golf carts and Segways are permitted on the golf courses if the registration, sticker display and operating requirements of Section 7, including possession of a valid driver's license, have been satisfied. No trail fee is required.
- (b) Carts and Segways are not permitted to enter private property from the golf courses or exit private property onto the golf courses.

(c) Private golf carts intended for use on PebbleCreek golf courses must meet specifications as established by the Director of Golf, including but not limited to weight, dimensions, tire size and tread, noise, and performance. These specifications are approved by the PCHOA Board and are available at the Eagle's Nest and Tuscany Falls Pro Shops.

(d) Golf carts must be operated in a reasonable and prudent manner and in compliance with all posted regulations on the courses, cart paths and PebbleCreek streets, including speed limits.

(e) An individual who operates a golf cart in violation of this section may be immediately removed from the golf course. Any subsequent use must be approved by HOA golf staff. This section may be enforced by HOA golf staff (Pro Shop employees and marshals) and the PebbleCreek Community Services Patrol.

(f) Non-golfing passengers must be over 10 years of age and registered in the Pro Shops prior to start of play.

(g) No carts or Segways are permitted within 30 feet of the green. Driving on the approaches to the par 3's or around the green on the opposite side of the cart paths is not permitted.

(h) Disability stickers are available at the Eagle's Nest front desk to Residents who have a disabled license plate or placard from any State's Department of Motor Vehicles in his or her possession and who need to drive on the golf courses. Temporary Disability flags are available at the Pro Shops to persons who have a letter from their doctor stating that (i) the person has a temporary disability, (ii) who have a sticker for their own cart but are riding with another player, or (iii) Non-residents who have a disabled license plate or placard from any State's Department of Motor Vehicles in his or her possession and who need to drive on the golf courses. In accordance with the American Disabilities Act, golf carts and Segways with a disabled sticker or flag must stay 25 feet from the tees and greens.

#### **17.5 Practice Ranges, Practice Greens and Pitching Greens:**

(a) Practice is allowed only on the practice facilities.

(b) Range balls and baskets are not to leave the practice facilities.

(c) Pitching onto the putting practice greens is not allowed. The practice bunkers and the area around the pitching greens are available for this purpose.

(d) Tokens are sold at the Pro Shops.

#### **17.6 Dress Code:**

There is a dress code for all persons using the golf courses and practice facilities. The dress code is available on the PCHOA website and at the Golf Pro Shops.

#### **17.7 Lakes:**

(a) During play, only the golf ball hit into the lake may be retrieved. All other balls are the property of the Association.

(b) No fishing, wading or swimming is allowed in any of the lakes on the golf courses.

## **Section 18: Creative Arts Facilities**

### **18.1 Authorized Users:**

The creative arts facilities are for the use of Residents and Resident Visitors who have a valid PebbleCreek identification card.

### **18.2 Use of Rooms:**

Personnel at the Creative Arts Center will schedule individual rooms at the creative arts facilities. Keys for the individual rooms will be available from the Gallery Desk during regular Gallery hours.

### **18.3 Safety:**

(a) The various rooms contain equipment, chemicals, materials and machinery that require knowledge of their uses. Persons who use these items do so at their own risk.

(b) Rules for the use of various items of equipment are posted within each creative arts room. No one is allowed to use a machine or piece of equipment until an instructor has checked him or her out on that machine or equipment.

### **18.4 Artwork Sales Fee:**

All artwork sold in the gift shops/galleries will be assessed a fee of the gross sales price which is paid to the Association general fund.

## **Section 19: Common Areas and Parks**

### **19.1 Common Areas:**

Common Areas are all lands within PebbleCreek that are made available for use primarily by Residents. Common Areas are more fully defined in the CC&Rs but include:

- (a) All land or right-of-way easements within PebbleCreek that are dedicated to the public or the City of Goodyear and are maintained by the Association.
- (b) Common Areas include the streets, sidewalks, greenbelts, easements, and the concrete drainage ways leading to the golf courses.

### **19.2 Areas That Are Not Common Areas:**

- (a) The golf courses.
- (b) Maintenance yards.
- (c) The County Drainage Corridor/Flood control area. This area is not for use by Residents or Visitors.
- (d) All PebbleCreek Lots.

### **19.3 Use of Common Areas:**

Every Resident has a non-exclusive right to use and enjoy the Common Areas unless a specific Common Area is otherwise restricted by the Board.

Private property cannot be crossed or entered to access Common Areas (Refer to CC&R Article III, Sect. 1).

### **19.4 Sunrise Park:**

- (a) Sunrise Park will be available for use by Residents and Resident Visitors. There will be no fees for use of Sunrise Park. Resident Visitors may use the park only when accompanied by a Resident.
- (b) Park hours are posted at the Park.
- (c) The picnic area may be reserved for group functions. A Sunrise Park reservation book for the Ramada is in the Activities Center.
- (d) Restrooms: The restrooms will be unlocked by the Patrol at 5 a.m. and locked at 10:00 p.m. daily.
- (e) The use of food and drink are covered under "HOA Policy on Potluck Events".
- (f) Individuals and groups using the park are responsible for cleaning up after their use. All trash and debris, including tobacco waste, must be placed in the garbage receptacles. If tables are used for food service or preparation, they must be wiped clean. Those that do not clean up after using the park for their functions will be denied use of the park for six months.



(g) Pets must be on a leash and owners must immediately pick up after their pets.

(h) The safety of Residents, Resident Visitors and Homeowners living near the park is a priority. Unsafe activities such as the hitting of golf balls, baseballs, softballs, or any activity that shall be deemed unsafe, as determined by PebbleCreek Community Services Patrol, and/or the Director of Community Activities, is prohibited.

(i) Vehicles can park in the blacktop designated/striped areas of the park only. Vehicles and roller blades are not allowed on the pathways and grass areas of the park. Golf carts are required to park in one half of a full parking space. No vehicle can park overnight or to remain in the parking lot after closing hours.