

“COLONOS DEL FRACCIONAMIENTO CHAPALA HACIENDAS, A.C.” ENVIRONMENTAL, MAINTENANCE AND CONSTRUCTION REGULATIONS

CHAPTER I

GENERAL PROVISIONS

Article 1. Provisions of these Regulations will apply to looking after the environment, lots and constructions that are or come to be a part of, the jurisdiction of the non-profit organization called “Colonos del Fraccionamiento Chapala Haciendas,” hereinafter the A.C.. All members, associates or owners of property within the Association jurisdiction will be subject to these Articles, must comply with them and are responsible for damages caused due to their non-compliance.

Article 2. The members’ rights and obligations will be ruled by:

- a)** These Regulations;
- b)** The A.C. By-laws;
- c)** The legal resolutions made and approved by the A.C. Assemblies.

Article 3. Provisions of these Regulations may be amended by the A.C. Assembly or meeting of the Board of Directors, by majority of votes. In case of a tie, the President of the Board will have de deciding vote. The member who disagrees with the amendments approved will have a non-extendable thirty (30) calendar day term as of the date of approval to state his/her objection in writing to the Board of Directors.

CHAPTER II

ENVIRONMENTAL

Article 4. The property owners within the jurisdiction of the A.C. are responsible for keeping the streets clean and tidy, and free of weeds up to the center of the street in front of their property. Garden clippings, garbage, etc., may not be left in the street longer than one week. Adjacent lots cannot be used as garbage dumps. In case of violation to this Article, material littering the street will be moved on orders of the A.C. and the cost thereof charged to the property owner. When a security deposit has been left with the A.C., the cost will be deducted from that deposit.

Article 5. Health and Safety Hazards

- (i) Burning off lots, trash, or other debris without prior approval of the A.C. is **strictly prohibited**. A permit must be requested to the Association Administration prior to any burning in the fraccionamiento.
- (ii) All property owners are requested to keep their property in such a manner that it will not create a health hazard to their neighborhood. This includes keeping their swimming pool clean and with appropriate chemicals so as to not provide an environmental that promotes breeding of mosquitoes. Also to keep their garbage in appropriate garbage containers to prevent attracting rodents.

Article 6. Trees along the street may not be trimmed or cut down by anyone except authorized personnel and with the pertaining permits.

Article 7. It is strictly forbidden to hunt any type of animals, as well as to carry weapons within the limits of the A.C. jurisdiction. The person who does will be reported to the authorities.

Article 8. Stables and all kinds of livestock (horses, mules, goats, cows, etc.), poultry, and exotic animals are forbidden within the A.C. jurisdiction.

Article 9. Owners of unimproved (dry) lots must keep their lots free of weeds and excess brush, trash, and other debris. Failure of the owner to maintain the lot will result in the A.C. clearing the lot of such items, and assessing the lot owner the cost of this clean up.

Article 10. Pet owners responsibilities (i) Dogs must be on leash with their owners; they are not allowed to run loose within the A.C. jurisdiction. (ii) Owners are required to pick up after their dogs. (iii) Cats must be kept on the owners property.

CHAPTER III

MAINTENANCE

Article 11. Any damage that is done to the property of others or property of the Subdivision caused by one or more workers employed by an owner will be the responsibility of that property owner.

Article 12. No one, except for personnel authorized by the A.C., can touch or change the a.c. installations. This applies especially to digging the streets and theft of electricity from the lines that provide public lighting on the streets.

Anyone found doing so will be reported to the police, the municipal authorities or the Federal Electricity Commission (CFE), as the case may be.

Likewise, nobody has the right to touch or tamper with water or sewer lines; nor can anyone open or close water valves in the deposit or the streets, other than the persons authorized by the Association.

Article 13. Stores, businesses or clubs are forbidden within the Association's jurisdiction. Private professional practitioners may follow their professions in their own homes, provided no neighbor objects, and the A.C. approves after prior notice.

Article 14. All types of signage is prohibited, except for "FOR SALE" or "FOR RENT" signs, which may not exceed one square meter (1 m²) in size and must be placed in the property itself, not in the street, trees, or poles.

Article 15. Trailers or mobile homes may not be used as residences in the Fraccionamiento, nor may they be parked in empty lots in sight of the street. The maximum time such a vehicle may be parked in the street is one week. Parking of boats or recreational vehicles within sight of the street is also prohibited.

Article 16. The speed limit on the streets within the jurisdiction of the A.C. is 30 km/hr.

Article 17. Property owners may not fence in land belonging to others, or which is outside their own boundaries, and which they do not own.

Article 18. It is prohibited to cause loud noise or play music at high levels after midnight (24:00 hours) that affects or upsets neighbors. This includes unnecessary yelling that disturbs the tranquility and well being of residents or owners of property within the jurisdiction of the fraccionamiento.

Those residents uncomfortable with loud music or other unnecessary loud noise after the allowed time, have the right to call the Chapala police, and/or take legal action against the offending owner if necessary. Any cost incurred will be at the expense of the owner in disagreement.

Article 19. Members or owners can register their workers, gardeners or other employees at the administration office, with the purpose of having access control.

Article 20. Any complaint, suggestion or request must be in writing and delivered to the A.C. Administration. The Board of Directors will consider it and give expedite response to all correspondence within 5 days of receiving it.

CHAPTER IV CONSTRUCTION AND REMODELING RULES

Article 21. Chapala Haciendas whose jurisdiction belongs to the Association, is a one-family housing fraccionamiento, where businesses, clubs or restaurants may not be established. Authorized houses must not block the lake, mountains or other properties' views.

Article 22. Members who wish to build or remodel any real property within the jurisdiction of the Association, must:

- i. Have their plans approved and stamped by the A.C., according to the By-laws and these Articles and their construction or remodeling permit (as applicable) approved by the pertaining authorities.
- ii. Have all outstanding fees and interest paid on the date construction or remodeling is to initiate.
- iii. Pay the fee authorized to use the Association well.

In case the owner has paid only for a lot, once the construction is finished, the lot fee will be raised and updated to become the pertinent fee.

Article 23. After payment of all fees, the owner may apply to the A.C. for a water connection. The fee must be paid in advance when the request is made. The connection may only be done by A.C. personnel. One connection is permitted for each lot, and when the connection is made the lot will be assessed as an improved lot.

Article 24. Once the construction/remodeling permit is duly authorized by the municipal authority, the owner must pay the A.C. a security deposit for possible damages that may occur during construction.

Article 25. Dwellings that are on the same lot but independent from the main house shall be considered separate and independent houses or dwelling units. They will be assessed at the rate set by the General Assembly for a house. The office must be notified of any other dwellings on the lot.

Article 26. It is forbidden to build apartment buildings or units with two or more houses, such as duplex homes, row houses or condominiums, among others of the same type.

Article 27. Existing lots and those properties registered in one deed cannot be subdivided for purposes of resale.

Article 28. Lots may be fused or combined in one deed; however, this does not change the fee rate per lot.

Article 29. No house, structure or lot can be changed or rebuilt unless it strictly adheres to the rules and guidelines herein established. Constructions or alterations not within these rules must be shut down by determination of the Board of Directors. Construction may continue when it complies with provisions of these Articles and the pertaining permits.

Article 30. The owner who has a construction or remodeling project must give the administration two sets of architectural drawings. One set will remain with the Association until the work is completed and the other will be returned to the petitioner.

Article 31. Drawings submitted to the administration will be forwarded to the Association's Special or auxiliary Committee. The petitioning owner must also include copy of the deed, address of the project, name and address of the licensed architect, as well as the name of the responsible on-site person.

Article 32. The drawings referred to in the two previous Articles must meet the following requirements:

- I. Drawings must show the complete projection of the current, proposed and final constructions.
- II. The drawings must show the exact placing or sitting of the lot, with full dimensions.
- III. There shall be a minimum distance of one and one half meters (1.5 m) free of any construction from the perimeter of the lot to the actual building, so that there shall be a minimum of at least three meters (3 m) between adjacent dwellings and/or construction.
- IV. Drawings must include one or more cross sections, showing the relation of the building to the highest and lowest levels of the lot, particularly on sloping lots.
- V. Drawings must show all elevations and relationship of the project with the access street.
- VI. Drawings must show the height and location of perimeter walls or fencing, which shall not be more than two and one half meters (2.5 m) in height.
- VII. Drawings must include a complete diagram of the distribution of the potable water system, of roof tanks, cisterns, swimming pools, fountains, etc., specifying dimensions and capacities. This is to insure that installations are made correctly with the objective of avoiding future leaks and loss of vital water.
- VIII. Drawings must include a complete description and diagram of the drainage of all black waters (including location of septic tanks, absorption wells or leach pits and grease traps). The design must follow the requirements of the State of Jalisco, and the diagram must show where the overflow from these residual waters goes. Note that it is strictly forbidden for roof drainage or any drainage whatsoever to go into neighboring lots.

Article 33. Once the plans have been submitted, and any corrections made to them, the owner will provide a security deposit at the A.C. Administration, covering any potential damage to the subdivision infrastructure or failure to remove construction debris. This deposit is required for either new construction or remodeling of an existing house, and will be non-interest bearing.

Article 34. Upon approval, the submitted plans will be stamped and may be taken together with a letter from the A.C. stating that all debts to the A.C. have been liquidated, to the Department of Urban Planning of the City of Chapala. If they give their approval and issue a building permit, the construction or remodeling project may be started.

Article 35. No more than sixty percent (60%) of the area of the lot shall be built upon.

Article 36. No structure used for human habitation shall be less than eighty square meters (80 m²) in size, not counting the carport or garage.

Article 37. No dwelling shall be more than five meters (5 m) high above the highest ground level of the lot. Lookouts (*miradores*) or walls that block the views of neighbors are prohibited.

Article 38. All properties should be fenced in with walls or cyclonic fencing. Owners are not to use the existing walls or fences of their neighbors.

Article 39. The total capacity of all cisterns (aljibes) shall be no greater than 27 cubic meters (27 m³) in size. (For example, one aljibe of 3 m x 3m x 3m.)

Article 40. Every dwelling must have at least one paved area for parking, plus an additional paved parking area for every additional structure suitable for human occupancy. These parking areas must be within the property limits; not in the street, and shall each be of a minimum size of 2.96 meters wide and 5.5 meters long, or a total of 16.3 square meters. As a general rule, sufficient off-street parking shall be provided.

Article 41. All temporary or permanent construction must have an adequate drainage system in accordance with these Articles, and be acceptable to the City of Chapala Department of Urban Planning.

Article 42. Construction materials, debris, and any other waste put into the street temporarily shall not extend more than three meters (3 m) from the property line into the street. In the case of new construction, building materials may be left in the street for a limit of six (6) months.

Article 43. Adjacent lots may not be used by the construction crew for such jobs as mixing mortar, carpentry or plumbing. All such work must be done within the confines of the owner's property.

Article 44. Each construction site must have a container for trash other than debris and construction materials. This container must be made available for pickup on trash collection days. The owner or his representative is responsible for prompt removal of loose trash thrown on or near the construction site that has not been put in the trash container.

Article 45. Property owners are responsible for the property where the construction or remodeling is taking place, the behavior of their work crews, who shall leave the Fraccionamiento no later than 6 PM on weekdays, or 1 PM on Saturday. Sunday work is not permitted.

Article 46. During the construction phase, the Board of Directors or a designated officer acting under direction of the Board is hereby authorized to enter the premises for the purpose of assessing compliance with these Articles, the By-laws and all applicable laws.

Article 47. All temporary or permanent construction must have an adequate drainage system in accordance with these By-laws, and be acceptable to the City of Chapala Department of Urban Planning. In all cases, the first requirement before construction begins is to provide a latrine, or bring a portable latrine onto the construction site.

Article 48. Members may request a property variation through an application for variance (letter) addressed to the Board of Directors. The neighboring owners who might be affected by such variation will be notified. The application must include the original drawings thoroughly explaining the variation.

Article 49. Upon receipt of a variance request, the Board will post the request on the Colonos Office Board and website for ten (10) working days to permit resident's comments or objections. After these postings, the Special Committee shall review the Application for Variance and resident comments, and approve or disapprove the variance request, so a decision can be rendered at the next Board Meeting.

Article 50. The Board decision regarding variance applications shall be final and conclusive.

Article 51. In case of construction or projects not foreseen by these Articles, the pertaining urban laws will be applied.