

Feb 21/13

ASOCIACION DE COLONOS DEL FRACCIONAMIENTO CHULA VISTA DE CHAPALA A.C.

COMPREHENSIVE RULES AND REGULATIONS

(amendments to January 2012).

Section I – GENERAL

1. On 18 January 1970, the Municipality of Chapala authorized the Asociación de Colonos del Fraccionamiento Chula Vista de Chapala A.C., to administer the whole of the urban development under the terms of the applicable Law.
2. The By-Laws of this Association, registered with the State of Jalisco and the delegated authority from the Municipality of Chapala, make it mandatory that all members comply with the regulations promulgated by the Association, including these Comprehensive Rules and Regulations.
3. These Regulations have been approved by the Board of Directors and the General Assembly of the Asociacion de Colonos de Chula Vista.
4. These Regulations protect the interests of all property owners and improve the overall value of their property by regulating the use of lands and the character, location, and use of buildings and structures.

Section II – CONSTRUCTION

1. Before a construction permit will be issued, the applicant must give a refundable deposit to the Chula Vista Association office which shall be held until the completion of the project. The purpose of this cash deposit is to ensure that the applicant will abide with all pertinent rules and regulations regarding the proposed construction. Permits shall be issued for a period of one (1) year only, and then must be renewed by the owner, at Chapala, and presented to the Chula Vista Office for verification. Failure to renew the permit will result in the forfeiture of the deposit and/or the assessment of penalties as provided in these regulations, and the possible cancellation of the permit.

2. The amount of the refundable cash deposit shall be:

New House	\$20,000.00
Major renovations to an existing house	\$20,000.00
Other renovations to an existing house	\$10,000.00
New swimming pool	\$10,000.00
Minor construction project-building	\$ 3,000.00

When building debris will be placed on roads, and/or the project will last more than two weeks, a deposit is required. The amount of the deposit may be changed at the discretion of the Board of Directors of Chula Vista.

In addition to the refundable deposit, as stated above, a non-refundable fee shall be payable as follows:

New House	\$5,000.00
Major renovations to an existing house	\$5,000.00
New swimming pool	\$3,000.00

At the discretion of the Board of Directors, a safety enclosure may be built around an abandoned property at the owner's expense.

3. There will be a charge of \$200.00 to cover office expenses and it must be paid prior to a permit being issued. This amount may be changed at the discretion of the Board of Directors of Chula Vista.

4. With the exception of very minor projects, no construction shall be undertaken without a permit. The procedure for obtaining a valid permit shall be as follows:

a. Complete plans, along with the appropriate cash deposits and fees shall be presented to the Office of the Chula Vista Association. Plan approval shall be based solely on strict compliance with Association Comprehensive Rules and Regulations.

b. After the Plans have been approved by the Board of Directors of the Chula Vista Association they will be returned to the owner or owner's representative. It will then be the responsibility of the owner to present these plans to Chapala Public Works Department for their review and approval. Once the plans have been approved the Chapala Public Works Department will issue a Permit.

c. This Permit must then be returned to the office of the Chula Vista Association for verification. This is the final step in the construction permit process and construction may then be started.

Failure to follow the above outlined procedures will result in a fine and/or forfeiture of the deposits and fees and a cease work order.

5. The Municipality of Chapala has agreed that the Board of Directors of Chula Vista must approve building plans and subdivision plans prior to their submission to the Public Works Department of Chapala. In the case of land subdivision, the resulting lots must be at least 500 square meters in size, and conform in shape to existing lots in Chula Vista. Multi-sided lots, or those containing more than four (4) sides are not permitted except at the discretion of the Board of Directors of Chula Vista.

6. No building or structure shall hereafter be erected or altered and the use of any building, structure or lot shall hereafter not be changed in whole or in part except in conformity with the provisions of these Regulations.

7. When construction on a lot does not conform to the standards set forth in these regulations, an application for a variance may be submitted to the Board of Directors for their consideration. No construction permit shall be granted unless the request for a variance is approved by the Board of Directors.

8. An application for a Variance must include the following:

a. A list of the exceptions to current rules and regulations to be approved.

b. This application must be given to six (6) neighbors who will be affected and must be posted on the notice board in the Association office for a period of at least ten (10) business days prior to the next Board of Directors meeting.

9. These Regulations shall not apply to prevent the use of any building or structure existing at the date of the revision of these Regulations so long as it continues to be used for the same purpose.

10. Alteration to non-conforming buildings is permitted to the extent that these Regulations are not violated and a permit has been obtained.

11. Three full sets of plans must be presented to the Board of Directors for approval and signature. One set will be retained by the Board of Directors and will be placed on file. The other two will be returned to the owner for proper authorization in Chapala. One set of approved plans will be kept on site and available for inspection. Normally, plans submitted in accordance with these Regulations will be approved within 14 days. **All building plans submitted must clearly include the following:**

- a. Orientation and scale.
 - b. Detailed layout and beam placement.
 - c. Plan of all building elevations showing the highest natural point on the lot.
 - d. Plan of location and height of the building on the lot showing the adjoining lots and street.
 - e. Location and height of walls/fences around the lot.
 - f. Layout of foundation, drainage of black and grey water from toilets, bathrooms, kitchen, etc.
 - g. Sectional view of the plumbing and sewage drainage.
 - h. Sectional view of the foundation construction.
 - i. Sectional view of septic system.
 - j. Use of the project: residential, workshop, garage, terrace, store, etc.
 - k. Address of the project.
 - l. Name and address of the owner.
 - m. Name and address of licensed architect.
 - n. Name of responsible on-site person.
12. Subject to Section II, para 7, as a general rule, where possible, new construction or alterations shall not obstruct a view of mountains or lake of existing dwellings.
13. No building shall exceed a height of five (5) meters above the highest natural point of the lot, including structures on the roof such as domes, towers, chimneys, skylights, parapets, miradors, etc.
14. Satellite dishes, domes or other obstructions shall be placed so as not to interfere with a neighbor's view where possible. This will be effective on new construction and remodeling after **January 29, 2000**.
15. With the exception of single story carports or garages, no permanent structure shall be closer than five (5) meters from the street line which shall be defined as that point at the edge of the street as determined by the appropriate Municipal Authorities of Chapala
16. The minimum lot size on which construction is permitted is 500 square meters.
17. Each lot will contain only one single-family dwelling.
18. Casitas are for the use of temporary visitors and the renting of such (or a room in the house) is strictly forbidden. They may be used by caretakers or gardeners.
19. The total size of the footprint of any dwelling will not exceed 50% of the total lot size.
20. Additional structures such as garages, casitas, bodegas, etc., will not exceed 15% of the total lot size, swimming pools excluded.

21. Every dwelling has to have at least one paved parking area including garage plus an additional paved parking area for every structure suitable for human occupancy. A minimum parking area size of 2.96 meters wide and 5.5 meters long, for a total of 14.3 square meters is required. As a general rule, sufficient off-street parking shall be provided in order that overnight on-street parking is not necessary. Where on-street parking creates a traffic hazard, the Board of Directors has the authority to have the vehicle towed away at owner's expense.

22. No permission will be given for construction of duplexes, triplexes, row houses, group housing, multiple family dwellings or semi-detached houses. **Definitions as follow.**

1. Duplex - means the whole of a dwelling house that is divided horizontally into two separate family dwelling units.
2. Triplex - means the whole of a dwelling house that is divided horizontally into three separate family dwelling units.
3. Row house - means one of a group of three or more attached single- family dwelling houses.
4. Group housing - means pairs or more of semi-detached duplex and/or row houses and/or two or more separate triplexes.
5. Multiple family dwelling - means a dwelling for two or more families.
6. Semi-detached - means one of a pair of two attached single family dwelling houses.
7. A single family dwelling – means a dwelling designed for one family only.

23. No openings shall be constructed in building walls when such walls are on the rear or side of the adjoining property line.

24. In areas of Chula Vista along roadways that have existing sidewalks, new construction must include concrete curbs and sidewalks that conform to existing curb and sidewalk widths, or be of at least one and one-half (1.5) meters in width. Trees and plants that obstruct the use of the sidewalk are prohibited.

25. All construction materials and debris shall be removed from the Subdivision. Dumping or burning on the construction site or on vacant lots is prohibited. If debris is not removed, the Board of Directors will arrange to have it removed at owner's expense.

26. The Association keeps a "Standards for Construction" document available at the office which contains design requirements, construction material regulations and septic system requirements. These "Standards" will be considered in the issuance of any building permit.

27. Each construction site shall be furnished, by the property owner or his representative, with a container for trash (other than debris and construction materials) which must be made available for pick-up on trash collection days. The owner or his representative is responsible for prompt removal of loose trash thrown on or near the site and that has not been put in a trash can.

28. Streets shall be cleaned of all dust, debris, and construction materials immediately upon completion of construction work. At no time should the normal flow of traffic in the street be obstructed.

29. A new construction site shall contain a porta-potti which shall be maintained throughout construction.

Section III - MAINTENANCE OF PROPERTY

1. Property owners are responsible for maintaining their lot and the buildings and structures thereon, as well as the street curb and sidewalk along their property. They must be kept clean and in good state of repair to prevent the development of unsightly or hazardous situations.
2. Display of signs to advertise or make known the presence of a business or organization is prohibited in areas other than Commercial Zone, with the exception of signs indicating that a property is for sale or rent, and "no dumping signs" on vacant lots. Dimensions of permitted signs shall not exceed 50 cms x 70 cms, be of good appearance, and shall be placed within the lot line of the property. The Board of Directors is authorized to remove signs that violate these requirements, at owner's expense.
3. The use of barbed wire or farm type fencing will not be permitted unless such fence cannot be seen from the street or other residences. Barbed wire may be used for security on top of walls and fences.
4. No mobile home or trailer, motor home or camper shall be used for residential or non-residential purposes.
5. The clothes-drying yard should be enclosed so that the laundry is not visible from the street or other residences.
6. Cars, trailers, campers, motor homes, etc., left on the street for extended periods, will be removed at owners expense after (15) fifteen days notice.
7. Any non-conforming building or structure which is damaged or incomplete to the extent of 50% or more of its original or completed stage, as determined by the Board of Directors, shall be removed and not restored unless restoration or completion is done in compliance with these Regulations and a permit has been obtained.
8. The amount of noise being made on any property shall not be of a nature to disturb or annoy other residents of Chula Vista. In the event of parties or music for home enjoyment, the noise level shall be limited to 85 decibels. The noise must not occur between 12:00 midnight and 8:00. When a complaint is made to the police or governing official, the property owner or his representative shall reduce the noise to the satisfaction on the enforcer. (added January 2006).
9. Owners of vacant lots must maintain their lots free from garbage and so the growth of grass and weeds does not exceed 60 centimeters. Owners violating this rule will warned and given 30 days to clean their lots. If they do not complete the cleanups within 30 days, the association will clean the lots and charge the owners for the labor (based on employees daily rates) and the cost to take the material to the city dump. (added January 2012).

Section IV - WATER & SANITATION

1. Any tampering with or altering of water meters or Association water lines is strictly prohibited.
2. Lot and homeowners shall sign an agreement when applying for a water connection and/or a building permit, in which they undertake to comply with these Regulations. Subsequent transferees and buyers shall sign the same agreement as a condition of maintaining the water connection. At that time, all assessments, meter deposits and connecting charges as well as a surety deposit shall be paid.
3. No permanent building or structure shall be erected or used for human occupancy unless provided with public water supplied by the Asociacion de Colonos de Chula Vista, and a septic tank and cesspool designed and constructed in accordance with the regulations of the Public Works Department of Chapala.

4. Each water closet shall have a sewer vent from the drain through the roof.
5. Draining of grey water into street, curb gutters or onto other properties is strictly forbidden. To prevent or correct such conditions, a dry well of sufficient capacity must be constructed.
6. New and existing swimming pools shall be equipped with an adequate filter system.
7. Draining of water from swimming pools must be done with extreme caution and cause no danger to the general public. The owner assumes liability for injuries to persons and for damage to property of others. The Office of Chula Vista must be notified prior to draining pools.
8. All working fountains must be equipped with a re-circulating pump.
9. Approval must be obtained from the office prior to the cleaning of septic tanks.

Section V – PETS

1. No animals, livestock, or poultry of any kind shall be raised, bred, boarded or kept on any lot excepting dogs, cats, or other household pets not kept for commercial purposes. No animal shelters, kennels, or boarding facilities shall be permitted.
2. Animals must be confined to the owner's property via fence or wall enclosure. Under no circumstances should a dog be allowed to roam free inside Chula Vista.
3. Animals must not be tied to the front property with a rope or chain for long periods of time.
4. When walking dogs outside of the owner's property, all dogs must be on a leash.
5. When walking a dog(s), it is the responsibility of the owner to pick up the dog droppings and properly dispose of them.
6. Continuous and annoying barking by dogs are not permitted.
7. The usage of venoms to kill animals (squirrels, rodents, rats etc.) also pesticides containing DDT, landane, chlordane and organophosphate is strictly prohibited. (Added January 2004.)

Section VI - COMMERCIAL ZONE

1. Commercial use of buildings is restricted to the "Zona Comercial A y B".
2. Any building for commercial use shall be designed, located and maintained in general harmony with residential use buildings of the type permitted in Chula Vista.
3. New commercial use or change in existing commercial use of a building or lot requires permission from the Board of Directors. Such permission will be given only if the proposed commercial use would benefit the residents of Chula Vista, in the opinion of the Board of Directors.
4. Existing and new commercial buildings and site must:
 - a) Meet all the requirements described in these Regulations.
 - b) Provide at least four (4) paved parking spaces for every 100 square meters of gross floor area.

5. Advertising and business signs displayed in the Commercial Zone shall be in harmony with the nature of Chula Vista as a residential area, subject to the opinion of the Board of Directors. Such signs are only allowed on the premises of the enterprise or organization. Display of signs outside the premises requires approval and a written permit from the Board of Directors. The Board is authorized to remove signs that violate these requirements, at owner's expense.

Section VII - REMEDIES & PENALTIES

1. The Board of Directors or its designated representative is authorized to enforce these Regulations, conforming immediately to that stated in Article 16 of the General Constitution of the Republic.
2. Property owners who violate any of these Regulations will be subject to the fines and penalties established by the Board of Directors, in conformity with the Laws of Hacienda of the State of Jalisco, the Municipal Tax Laws, and the corresponding Municipal Regulations.
3. If the violator does not repair his mistake within seven (7) days of the date of the notification, the Board of Directors at their choice, may make the repair at cost to the violator, or obligate him to make the repairs conforming with the stated by the Board of Directors, the State Legislation, and the Municipal Regulations. Non-payment of the maintenance fee will be sanctioned in conformance with the uses and practices applied by this Association and with the support of the corresponding Hacienda tax Law.
4. In case a building or structure is constructed, modified, remodeled, enlarged in totality or in part, in contravention of this regulation, the Board of Directors or any member of the Association shall immediately advise the Municipal Authorities for a temporary or definitive suspension of the work, as the case may be.