

Asociación de Colonos del Fraccionamiento Chula Vista de Chapala, A.C.

Calle Jardines No. 95, Fraccionamiento Chula Vista, Chapala, Jalisco C.P. 45900

Tel/Fax: (376) 766-2633 Mensajes: (376) 766-2667

colonoschulavista1@hotmail.com

www.chulavistamex.com



COMPREHENSIVE RULES AND REGULATIONS

(January 2018 Amendments)

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., hereinafter referred to as the "Association," 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, hereinafter referred to as "Regulations."
3. These Regulations have been approved by the Board of Directors and the General Assembly of the Association.
4. These Regulations apply to all owners of lots or residences, hereinafter referred to as "Property Owners." The 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.
5. New construction or renovations shall not obstruct a view of mountains or lake of other existing dwellings.
6. No building or structure shall be erected or altered and the use of any building, structure or lot shall not be changed in whole or in part except in conformity with the provisions of these Regulations. Any change to a lot that affects the support of adjacent walls, structures or hillsides must be properly reinforced.
7. All monetary amounts herein referenced are in Mexican Pesos.

Section II – CONSTRUCTION

1. TYPES OF CONSTRUCTION DEFINED

- a. Minor Alterations – minor repairs and cosmetic changes such as painting; repairing patios, steps and walls; and replacing windows, doors, floor tile and cabinets. The installation of small fountains, free-standing walls no more than two (2) meters in height, and retaining walls that retain no more than 1.5 meters of soil.
- b. New Building – the construction of a new house or other building.
- c. Renovation – changes to an existing building that involve any of the following: modification of building footprint, building height, foundations, bearing walls, roof beams or floor beams.
- d. Major Renovation – a Renovation involving more than 33% of the total roof area of all existing buildings.

- e. Minor Renovation – a Renovation involving no more than 33% of the total roof area of all existing buildings.
- f. Minor Construction – Minor Construction may include, but is not limited to, the following:
 - Free-standing wall greater than 2 meters in height
 - Retaining wall which retains more than 1.5 meters of soil
 - Any earthwork that could affect the support of adjacent walls, structures or hillsides
 - New septic system or modifications to an existing one
 - Any other minor construction that could effect the view of mountains or lake of another existing dwelling.
- g. New Swimming Pool – an artificial pool, above ground or below ground, used for swimming.
- h. The Zoning and Building Committee shall determine the type of construction for each project based on the above definitions. For further clarification of these definitions, contact the Zoning and Building Committee.

2. ASSOCIATION APPROVAL AND CHAPALA BUILDING PERMIT

- a. For Minor Alterations, Association approval and a Chapala building permit are not required. For Minor Alterations where building materials and/or debris will be placed on the street for more than two weeks, a deposit equal to that for Minor Construction as specified in Section II.7 is required.
- b. For a New Building, Major Renovation, Minor Renovation and new Swimming Pool, Association approval and a Chapala building permit are required prior to beginning construction.
- c. For Minor Construction Association approval is required, and in some cases a Chapala building permit may be required. Association approval is also required for any other construction that could effect the view of mountains or lake of another existing dwelling. For further clarification, contact the Zoning and Building Committee.

3. PROCEDURE FOR OBTAINING ASSOCIATION APPROVAL & CHAPALA PERMIT

- a. An application fee of \$500 shall be paid to the Chula Vista office. Four (4) sets of construction plans shall be submitted in accordance with Sections II.5 and II.6, and their approval shall be based solely on strict compliance with these Regulations.
- b. The Municipality of Chapala has agreed that the Board of Directors of Chula Vista must approve building plans prior to their submission to Obras Publicas in Chapala. Approval by the Board shall not be construed as an approval of the structural integrity of the design which is the responsibility of the Architect of Record and Obras Publicas.
- c. After the Plans have been approved by the Board of Directors and bear the stamp of the Association, the Property Owner shall pay deposits and fees in accordance with Section II.7. One set of plans will be kept on file in the Chula Vista office, and the other three sets will be returned to the Property Owner or his/her representative. It will then be the responsibility of the Property Owner to present these plans to Obras Publicas in Chapala for their review and approval. Once the plans have been approved Obras Publicas will issue a Permit.

- d. This Permit must then be presented, along with one copy of the approved plans, to the Chula Vista office for verification. This copy will be filed in the Chula Vista office and one set of plans shall be maintained on the construction site by the Property Owner. This is the final step in the construction permit process and construction may then begin
 - e. Permits shall be issued for a period of one (1) year only, and then must be renewed by the Property Owner, at the Office of Obras Publicas in Chapala, and then presented to the Chula Vista Office for final acceptance.
 - f. If the Property Owner fails to comply with the above procedures or significantly increases the scope of work shown on the plans, a cease work order shall be issued and penalties may be assessed.
4. **PROPERTY ACCESS:** Property Owners must provide access to Chula Vista representatives during the plans approval process and throughout the construction period. No plans will be approved if access is denied. Failure to provide access during construction will result in a cease work order and/or the assessment of penalties as provided in Section VIII.
5. **CONSTRUCTION PLANS:** Except for projects as defined in Section II.6, four (4) full sets of plans must be presented to the Board of Directors for approval and signature. Normally, plans submitted in accordance with these Regulations will be approved within 14 days. All building plans submitted must clearly include the following:
- a. Plot plan showing orientation and scale; property lines; streets adjoining the property; existing buildings, proposed buildings; building setbacks from property lines; total area of the property in square meters; total roof area of existing and new construction; and type, location and height of walls and fences around the property.
 - b. A cross section through the property showing proposed buildings; property lines; adjoining streets; the natural grade; and the height of the proposed buildings above the natural grade as specified in Section II.8.
 - c. Floor plans, elevations and sections showing detailed layout, beam placement, foundation details and bearing wall details.
 - d. Plumbing plan and sections showing drain lines and septic system.
 - e. Plans shall specify building usage (residence, garage, storage, etc.); name of owner; project address; name, registration number and signature of architect; and 10cm x 20cm space for approval stamps.
6. **CONSTRUCTION PLANS – EXCEPTIONS:** In the case of a project where a full set of construction documents with floor plans, elevations and sections is not applicable, it is acceptable to present to the Chula Vista office an informal overall sketch of the work intended and a timetable of activities to be completed. To qualify for this simpler procedure, the proposed project shall not involve a new building, or an existing building with modifications to building footprint, building height, footings, bearing walls, roof beams or floor beams.

7. DEPOSITS AND FEES REQUIRED

- a. **REFUNDABLE DEPOSITS** – The purpose of this cash deposit is to ensure that the applicant will abide by all pertinent Regulations regarding the proposed construction and post construction cleanup. The amount of the refundable cash deposit shall be:

New Building or Major Renovation (may include a New Swimming Pool)	\$20,000.00
Minor Renovation	\$10,000.00
New Swimming Pool only	\$10,000.00
Minor Construction	\$3,000.00

- b. **NON-REFUNDABLE CONSTRUCTION FEES** – The purpose of this non-refundable fee is to defray costs such as future street repairs due to the extra wear and tear on the streets due to truck traffic created by the construction. The amount of the non-refundable construction fee shall be:

New Building or Major Renovation (may include a New Swimming Pool)	\$7,500.00
Minor Renovation	\$4,000.00
New Swimming Pool only	\$4,000.00

- c. **WATER CONNECTION FEE** – An initial water connection to a property shall be in accordance with Ley de Ingresos del Municipio de Chapala, Jalisco, Sección Décimo Segunda del Agua Potable, Artículo 88. The fee for a reconnection shall be \$5000.

8. No building shall exceed a height of five (5) meters above the highest natural grade on the footprint of the building. This shall include structures on the roof such as domes, towers, chimneys, skylights, parapets, miradors, etc. See Figure A below.

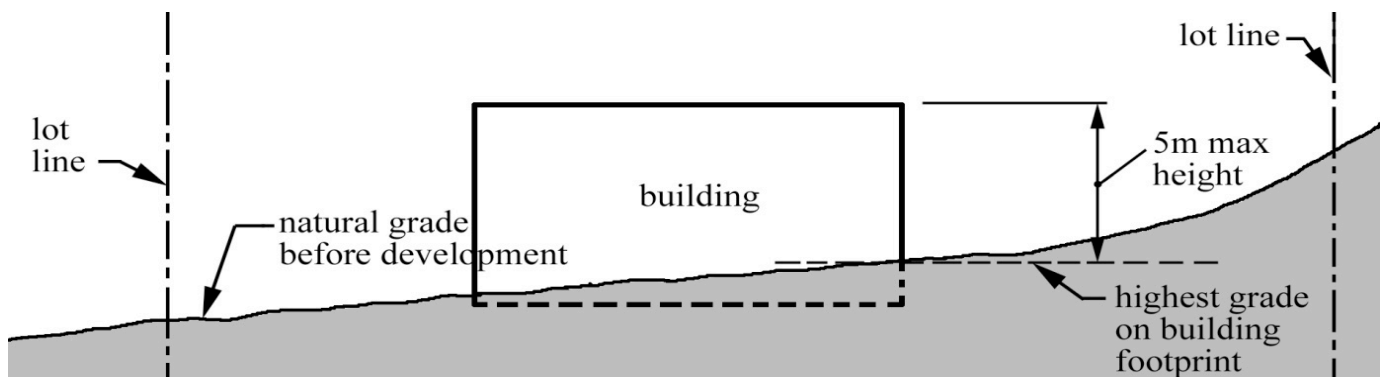


FIGURE A

9. Satellite dishes, miradores or other obstructions shall be placed so as not to interfere with a neighbor's view. Tinacos are not permitted.

10. 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.
11. The minimum lot size on which construction is permitted is 500 square meters.
12. Each lot will contain only one single-family dwelling.
13. Casitas are for the use of temporary visitors. The renting of casitas or a room in the house is strictly forbidden. They may be inhabited by caretakers or gardeners.
14. The total size of the footprint of any dwelling will not exceed 50% of the total lot size.
15. Additional structures such as garages, casitas, bodegas, etc., will not exceed 15% of the total lot size, swimming pools excluded.
16. OFF-STREET PARKING
 - a. Every dwelling has to have at least one paved off-street parking space including garage plus an additional off-street paved parking space for every additional habitable structure, attached or detached, suitable for human occupancy. A minimum parking area size of 2.7 meters wide and 5.5 meters long, for a total of 14.85 square meters is required.
 - b. As a general rule, sufficient off-street parking shall be provided in order that overnight on-street parking is not necessary. This is not applicable to short-term visitors. 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.
17. No permission will be given for construction of duplexes, triplexes, row houses, group housing, multiple-family dwellings or semi-detached houses. Definitions are as follows:
 - a. Duplex - means the whole of a dwelling house that is divided horizontally into two separate family dwelling units.
 - b. Triplex - means the whole of a dwelling house that is divided horizontally into three separate family dwelling units.
 - c. Row house - means one of a group of three or more attached single-family dwelling houses.
 - d. Group housing - means pairs or more of semi-detached duplex and/or row houses and/or two or more separate triplexes.
 - e. Multiple family dwelling - means a dwelling for two or more families.
 - f. Semi-detached - means one of a pair of two attached single family dwelling houses.
 - g. A single family dwelling – means a dwelling designed for one family only.

18. PRIVACY – no openings shall be located in building walls when such walls are on the rear or side of the adjoining property line. Further, rooftops shall not be constructed or modified for occupancy where it would provide a view into a neighbor's property.
19. 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.
20. All construction debris shall be removed from the Subdivision. Burning on the construction site is prohibited. If debris is not removed, the Board of Directors may have it removed at the Property Owner's expense.
21. 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.
22. Each construction site shall be furnished, by the Property Owner or owner's 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.
23. Streets shall be cleaned of all dust, debris, and construction materials immediately upon completion of construction work. At no time may the normal flow of traffic in the street be obstructed.
24. All construction sites shall contain existing operable toilet facilities or a portable toilet that shall be available throughout the construction period.
25. SUBDIVISIONS – For land subdivisions, 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.
26. VARIANCES
 - a. General: 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. A variance for prohibited uses or building types specified in Section II.17 shall not be allowed. The Property Owner shall provide the Board of Directors' representative with access to the property during review of the variance, and a variance shall not be approved if access is denied. No construction permit shall be granted unless the request for a variance is approved by the Board of Directors.
 - b. Variance Application and Review: The application shall conform to the following:
 1. The strict application of the Regulations would cause undue hardship if a variance is not granted.
 2. The request is consistent with the spirit and purpose of the Regulations.

3. The request is not harmful to the neighboring area, including obstructions of view as specified in Section I.5, interference with privacy specified in Section II.18 and undermining support of adjacent walls, structures or hillsides specified in Section II.6.
 - c. Hearing: The Board will schedule a hearing to discuss the variance, and all interested Property Owners may attend. The Board may, at their discretion, combine the hearing with a regular monthly Board meeting. At least two weeks before the hearing, the Board shall provide notice of the hearing by:
 1. Email to all Chula Vista Property Owners/renters
 2. Email and hand-delivered notice to the six Property Owners located nearest to the proposed project.
 3. Posting of a sign visible to the public at the property concerned.
 - d. Comments From Property Owners: The Board will consider all comments received by Property Owners before and during the hearing. A final decision by the Board of Directors will be made no later than the next scheduled Board meeting.
27. GRANDFATHERING EXISTING STRUCTURES: These Regulations shall not apply to any completed and uncontested building or structure existing at the date of the revision of these Regulations, so long as it is not altered and continues to be used for the same purpose.
28. NON-CONFORMING STRUCTURES: Alterations to non-conforming buildings are permitted to the extent that these Regulations are not violated and necessary permits have been obtained.
29. ABANDONED PROPERTIES:
At the discretion of the Board of Directors, a safety enclosure may be built around an abandoned property, and the cost of said enclosure shall be charged to the registered owner's account.

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. These must be kept clean and in good state of repair to prevent the development of unsightly or hazardous situations, including overgrown bushes, trees or other plantings.
2. No Property Owners or their representatives may interfere with Association employees or representatives in the course of doing their jobs. Offenders will be reported to Chapala police and will be fined accordingly.
3. Burning of leaves, garden clippings, garbage or any other debris is strictly prohibited.
4. Trees, hedges and other plantings shall be trimmed so as not to obstruct a view of mountains or lake of existing dwellings or encroach on public sidewalks and streets.
5. Display of signs to advertise or make known the presence of a business or organization is prohibited in areas other than a 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.

6. WALLS & FENCES – The use of barbed wire, razor wire or farm-type fencing will not be permitted unless such fence cannot be seen from the street or other residences. The use of chain link fence on the street side of a property is not permitted. The height of fences and free-standing walls shall not exceed 3 meters.
7. No mobile home or trailer, motor home or camper shall be used for residential purposes.
8. Areas for clothes drying shall not be visible from the street or other residences.
9. Cars, trailers, campers, motor homes, boats, etc., left on the street for extended periods, will be removed at owners expense after (15) fifteen days' notice.
10. Any non-conforming building or structure that 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.
11. 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 a.m. When a complaint is made to the police or governing official, the Property Owner or his representative shall reduce the noise to the satisfaction of the enforcer. Repetitive failure to comply with the noise limit may result in the assessment of penalties as provided in Section VIII.
12. Owners of vacant lots must maintain their lots free from garbage. The growth of grass and weeds shall not exceed 60 centimeters. Owners violating this rule will be 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.
13. Failure to comply with the Regulations for the maintenance of property may result in the assessment of penalties as provided in Section VIII.

Section IV - WATER & SANITATION

1. Any tampering with or altering of water meters or Association water lines is strictly prohibited. Violations may result in the assessment of penalties as provided in Section VIII. Any theft of water shall be prosecuted. Violations may result in the assessment of penalties as provided in Section VIII.
2. Property Owners shall sign an agreement when applying for a water connection and/or a building permit, in which they agree 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 and connection or reconnection fees as specified in Section II.7c 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 Association, and a septic tank and cesspool designed and constructed in accordance with the regulations of Obras Publicas in Chapala.

4. Each water closet shall have a sewer vent from the drain through the roof.
5. Draining of grey water or sewage 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 adequate filter systems, and all working fountains must be equipped with a re-circulating pump. Stagnant, un-chlorinated water infested by mosquitoes shall not be allowed in pools, fountains or any other container, natural or otherwise. Such infestation may result in remedies and penalties as provided in Section VIII.
7. Draining of water from swimming pools must be done with extreme caution and cause no danger to the general public. The owner is liable for injuries to persons and for damage to property of others. The Office of Chula Vista must be notified prior to draining pools. Continual dumping and refilling of pools in lieu of chemical treatment shall not be allowed. Violations may result in the assessment of penalties as provided in Section VIII.

(add)

Approved at the Annual General Meeting January 27, 2018 - Article 9. AMENDMENT TO RULES & REGULATIONS

Further, property owners and renters are prohibited from filling pools completely with Chula Vista water. It is permitted to use Chula Vista water to provide the first 12 inches/30.5cms of water in an empty pool, as this will protect pool tiles from the pressure of water tanker water, but in the case of new pools, the rest of the water must come from water service companies or water tankers.

Those who need to empty their pools should save their pool water by transferring it into temporary water tanks, and then return the water to the pool when work is done. Those who misuse Chula Vista water will be subject to heavy fines that will be imposed at the discretion of the Chula Vista Board. At all times, Chula Vista water may be used to 'top off' a pool.

8. Failure to comply with the Regulations for maintenance of property may result in the assessment of penalties as provided in Section VIII.

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 shall 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, all dogs must be on a leash.
5. When walking a dog(s), it is the responsibility of the dog walker to pick up the dog droppings and properly dispose of them.
6. Continuous and annoying barking by dogs is not permitted. Complaints made to the Chula Vista office will be investigated.

7. The usage of poisons to kill animals (squirrels, rodents, rats etc.), as well as pesticides containing DDT, landane, chlordane and organophosphate, is strictly prohibited.
8. Failure to comply with the Regulations for Pets may result in the assessment of penalties as provided in Section VIII.

Section VI - COMMERCIAL ZONE

1. Commercial use of buildings is restricted to the "Zona Comercial A y B". Maps showing these zones are available at the Chula Vista office.
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 a 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 sites 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 Property Owner's expense.

Section VII – PAYMENT OF ACCOUNTS

1. Property Owners shall be billed for land and/or building assessments annually, which amounts are due in full by the last day of February of each year.
2. Water assessment shall be billed quarterly, based on rates recommended by the Board of Directors and approved by the General Assembly. Water bills are issued in January, April, July and October and are due 15 days from receipt of invoice by either email and/or hand delivery to the property.

Section VIII - REMEDIES & PENALTIES

1. The Board of Directors or its designated representative is authorized to enforce these Regulations in accordance with 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. **NON-CONFORMING CONSTRUCTION:** In the case of construction that does not conform to the Regulations, the violator has seven (7) days from the date of the Cease Work Order to meet with the Zoning and Building Committee to discuss plans for bringing the nonconforming construction into conformance. Thereafter the Board of Directors will ask the Municipal authorities for a cease work order and take whatever actions are necessary to enforce compliance with the Regulations, the State legislation and the Municipal regulations. In addition, deposits may be forfeited in whole or in part, and fines and/or penalties may be assessed for continuing nonconformance.

4. ACCOUNTS IN ARREARS

- a. Non-payment of any outstanding assessments, fees, deposits, levies, fines or penalties of more than 30 days in arrears may be sanctioned in conformance with the Bylaws and Regulations of this Association and with the support of the corresponding Hacienda Tax Law. Accounts more than 30 days in arrears shall bear interest at 4% per month on the principal only.
- b. In addition to monthly interest, accounts more than 90 days in arrears may be subject to the fines specified in Section VIII.6c, and liens may be placed on the property.
- c. Non-payment of outstanding accounts may also result in restriction or disconnection of water supply, and termination of garbage collection and other services.
- d. No construction permits will be issued to a Property Owner whose account is in arrears.
- e. If a property is sold or transferred to a new owner, all outstanding account balances must be paid in full prior to approval of transfer and prior to receiving Association services.
- f. Property Owners whose accounts are in arrears are invited to meet with a representative of the Board of Directors to discuss a plan to bring outstanding accounts up to date.

5. Any theft of water shall be prosecuted.

6. FINES AND PENALTIES

- a. Violation of these Regulations may result in fines and penalties in amounts determined by the Board, up to the following maximums:

INFRACTION	1ST OFFENCE	2ND OFFENCE/NOTICE	3RD OFFENCE/NOTICE
Failure to acquire proper building permit	Cease Work Order	-----	-----
Failure to obtain annual permit renewal	Notice	Cease Work Order	-----

Failure to provide access during construction	Cease Work Order	-----	-----
Failure to comply with Cease Work Order	\$10,000	\$25,000	\$50,000
Failure to comply with Rules for maintenance of property	Notice	\$5,000	\$10,000
Failure to comply with rules against excessive noise	Notice	\$10,000	\$25,000
Failure to comply with water and sanitation rules	Notice	\$10,000	\$25,000
Failure to comply with pet rules	Notice	\$1,000	\$2,000
Failure to comply with any other Regulations	Amount to be determined at the discretion of the Board		

- b. Notices will be emailed and hand delivered to Property Owners/renters, or sent by other means as necessary.
- c. After continuous violation of the Regulations and the ignoring of notices to correct or cease such infraction, the Board may, at its discretion and carried unanimously, levy fines over and above those in the table above.
- d. For accounts overdue more than 90 days, the Board may, at its discretion, when moved and carried unanimously, levy fines up to a maximum of two times the total amount due.