

## **Cuernavaca Homeowners Association Revised Rules & Regulations**

Final - Adopted 4.28.2016; Section 2 revisions Adopted 10.22.18

### 1. Definitions

- 1.1. “Resident” includes any Homeowner, members of the Homeowner’s immediate family, and any tenants, or other persons who visit or stay in or at Cuernavaca thirty (30) days or more within any ninety (90) day period.
- 1.2. “HOA” or “Association” is the Cuernavaca Homeowners Association, a California nonprofit mutual benefit corporation, its successors and assigns, the Members of which are the Owners of Lots in the Property.
- 1.3. “Management” is the professional property management company contracted by the Association to oversee operations of the Association.
- 1.4. “Common Area” shall mean and refer to all real property and all improvements owned by the Association for the common use and enjoyment of the Owners consisting of Lots 47, 88, 131, and 174.
- 1.5. “ACC” is the Architecture Control Committee.
- 1.6. “Cuernavaca website” is the website designated by the HOA which makes available information about the Association for its Members’ benefit.
- 1.7. “Homeowner” or “Owner” refers to any person(s) or entity that own(s) a fee simple interest in a Lot property in Cuernavaca.
- 1.8. “Motor Vehicle” includes cars, trucks, motorbikes, recreation vehicles, trailers and boats.
- 1.9. “Board” is the Board of Directors of the Cuernavaca Homeowners Association.
- 1.10. “CC&R” is the Second Restated Declaration of Covenants, Conditions and Restrictions of Cuernavaca Homeowners Association recorded as Document 19535711 on August 2, 2007, and any amendments thereto.
- 1.11. “Guests” are short-term visitors, including service personnel, contractors, gardeners, housecleaners, and friends.
- 1.12. “Facilities” are improvements owned and maintained by the Association, including, but not limited to, the Clubhouse, Tennis Courts, Pool, Spas, Tot Lot, Par Course, etc.

## 2. Streets and Parking (*revisions to Section 2 Rules adopted 10.22.18 and effective as of 1.1.19*)

2.1 Drivers shall obey all posted road signs. No person shall neither drive a vehicle in excess of 15 miles per hour nor drive recklessly.

### 2.2 Street Parking

No parking on the streets or sidewalks is permitted at any time for safety reasons. They are fire lanes, reserved for police, ambulance and fire emergency vehicles.

Residents must inform their visitors of this rule and must require their visitors and contractors to park in Guest parking spaces or in the host's driveway.

### 2.3 Resident Parking

Residents may use their garages and driveways for parking of their vehicles. Any vehicle parked in a driveway must be entirely within the driveway, and not extending onto the sidewalk.

### 2.4 Resident Parking in 8 Guest Parking Spaces in lot adjacent to Brookfield Drive.

Any single Cuernavaca address may use these spaces up to an annual limit of 45 days, i.e., 1 car for 45 days, 3 cars for 15 days each. Resident cars parked in this lot must register by leaving a registration slip in a lockbox at the site for each space used, containing the resident's name, address, car license number and dates of use. Any resident's use of these spaces beyond this time limit must be approved by the Board in advance and may be subject to fees.

### 2.5 Resident Parking in Guest Parking Spaces.

The intent is to make Guest parking spaces available to non-residents at all times. However, during the time contractors or other visitors are occupying your property, you may park one or two cars in a nearby Guest space under the following conditions: resident must place a note on the windshield of each car parked in a Guest space, with the resident's name and address, and the car(s) must be returned to your property as soon as the contractor or visitor leaves your property.

### 2.6 Abandoned Cars.

If any motor vehicle is parked in any Guest space in excess of fourteen (14) days, and not identified as a resident's car, it may be considered abandoned and subject to towing.

2.7 Motor vehicles shall not be covered by canopies, tarpaulins or any other cover, unless parked within a garage.

2.8 Violations of these Parking Rules will get one warning. For additional offenses by the residents of any address, within a year, the penalties in Section 12 will apply.

### 3. Common Area Damage and or Liability

Homeowners are liable to the HOA for all damage to the Common Area improvements (including landscaping) caused by the Residents, their Guests, and their animals. Homeowners are responsible for assuring that all Residents and any Guests comply with the Governing Documents.

### 4 Facilities

4.1 Residents and their Guests only shall use Facilities. A Resident shall accompany Guests at all times. Not more than four Guests per Cuernavaca home shall be permitted unless in the clubhouse which has been rented by the Resident, or in the Tot Lot and lawns. No person shall admit strangers to the Facilities. Persons using these Facilities shall keep gates and doors closed at all times.

4.2 The clubhouse, pool and spa areas will be open to Residents and their Guests Sunday through Thursday 6:00 am to 10:00 pm and Friday and Saturday from from 6:00 am to 11:00pm. The clubhouse first floor is not open to Residents and their Guests when the clubhouse is rented.

4.3 The tennis courts will be open to Residents and their Guests 8:30 am to 9:00 pm. Residents may have no more than four Guests in the tennis court area, and may only occupy one court.

Lessons may be given by non-resident instructors only to Residents. Instructors charging for lessons on the Facilities must be insured and provide proof of insurance to the Association. The lesson session can only occupy one court, and cannot exceed one hour each day.

Pets, bikes, skateboards, roller skates, scooters (i.e., anything with wheels) are prohibited on the tennis courts.

4.4 At the pool and spas, Residents and Guests, including children, shall behave safely and considerately at all times.

4.4.1 Users shall be appropriately clothed at all times.

4.4.2 A supervising adult shall accompany children under the age of 14.

4.4.3 No Resident or Guest shall disturb nearby Residents by playing loud music (head phones must be used) or creating loud noise.

4.4.4 No Resident or Guest shall yell, run, push, dunk, throw items or take any other action that may cause injury

- 4.4.5 Residents and Guests shall deposit trash in trash receptacles.
- 4.4.6 No Residents and Guests shall use glass or glass containers in the pool and spa areas. No Residents and Guests shall use toys and inflatable devices in the spas. No person shall use inflatable tubes, mattresses and toys in the pool when it is crowded.
- 4.4.7 Professional swim lessons may be given in the pool by non-resident instructors only to Residents. Instructors charging for lessons on the Facilities must be insured and provide proof of insurance to the Association. Swim lessons may be up to one hour a day in duration per resident and only during the hours of 9 am to noon. Please note that other residents have a right to enjoy the pool even if someone is having a lesson.
- 4.5 No Residents and Guests shall use clubhouse exercise equipment during Board meetings.
- 4.6 Smoking and pets are prohibited at all times within most of the Facilities, including Pool, satellite spa, tennis courts, and clubhouse.

## 5 Clubhouse Rental

The HOA may permit Residents to rent the clubhouse for exclusive functions on a first-come, first-served basis subject to a formal rental agreement and fees paid two weeks in advance of each reservation. Only the first floor of the clubhouse, not the pool or the clubhouse second floor may be rented. The renting Resident and their Guests will not enter the pool area nor access the second floor of the clubhouse during such a function.

## 6 Approval of modification, repair or alterations to homeowner property

- 6.1 Homeowners shall apply for and receive approval from the ACC or the Board before any alterations or improvement is made to the exterior of a residence.
- 6.2 Homeowners shall apply for and receive approval of the color formulations from the ACC or Board before exterior painting. The approved painting specifications are available on the HOA website.
- 6.3 Homeowners shall apply for and receive approval from the ACC or Board before commencing landscape modifications including addition of permanent structures, planting of large trees or modifications to the owner's property.
- 6.4 Homeowners shall apply for and receive approval from the ACC or Board before installing a path or stepping stone in the common area external to the homeowner's fenced area.

- 6.5 For changes to walls and fences separating lots, Homeowner applications shall include written approval from each neighbor sharing the proposed wall and/or fence, and receive approval from the ACC or Board before installing or rebuilding a shared wall and/or fence. The homeowner shall use the same or equivalent materials with similar appearance, texture and color as the original structure. The homeowner shall agree with the neighbor steps to be taken for the protection of adjacent or attached landscape or structures. The homeowner shall ensure replacement walls are tied into and architecturally seamless with existing shared structures. Extended walls and/or fences shall be architecturally harmonious with the structure(s) of the affected homes.
- 6.6 Residents may place modest portable “terra cotta” planters or tubs within six feet of the home or garage with plants pruned no higher than three feet that are maintained in good health and do not obstruct a neighbors view.
- 6.7 House numbers shall be kept clean and shall be replaced only if necessary for legibility. If replacement is needed, homeowners shall replace house numbers with similar material, font and appearance to the original numbers.
- 6.8 Residents may install a satellite dish and/or antenna in a practical location on their residential Lot that is least obtrusive from the street and from their neighbors’ homes.
- 6.9 Residents shall store portable basketball hoops out of sight of the common areas when not actively in use.
- 6.10 Residents shall not engage in garage or estate sales on their own property or in the common area.
- 6.11 Residents shall maintain their landscape behind their front gate(s), non-permanent structures, furniture and fixtures in good repair and appearance.
- 6.12 For more information on approvals, repairs or alterations, refer to guidance contained on the Cuernavaca website.

## 7 Animals

- 7.1 Residents shall maintain their animals under control and on a leash less than 12 feet long while in the common area and shall pick up and properly dispose of pet waste.
- 7.2 Animals are not permitted in any Facilities, except the lawns.

## 8 Applications for Architectural Approval

- 8.1 The form to submit for architectural approval is available on the Cuernavaca Homeowners website at <http://cuernavacahoa.com> or from the management company, Community Management Services, Inc.
- 8.2 All applications for architectural approval shall be sent to Community Management Services, Inc. 1935 Dry Creek Road, Suite 203, Campbell, CA 95008-3631

## 9 Enforcement

Enforcement pertains to any violations of the CC&Rs or rules. Homeowners may be fined after appropriate notice (as designated in 10.1) and a hearing per the adopted and published fine schedule (see Section 12). Additionally, for architectural violations, enforcement may include corrective action and is not necessarily limited to imposition of monetary penalties.

## 10 Homeowner Discipline

- 10.1 For violations of these rules and regulations, the Board shall notify the Homeowner in writing, by either personal delivery or first-class mail, at least 15 days before a meeting at which the Board will consider or impose discipline upon the Homeowner. The notification shall contain, at a minimum, the date, time, place of the meeting, the nature of the alleged violation and a statement that the Homeowner has a right to attend such meeting and may address the Board at the meeting. If the Homeowner cannot be present, the board shall hold the meeting and determine any appropriate disciplinary action in the same manner as if the Homeowner was in attendance.
- 10.2 Homeowner Discipline may include but not be limited to the Schedule of Penalties (Section 12, below).
- 10.3 If requested by the Homeowner, the meeting to consider or impose discipline upon the Homeowner shall be held in executive session.
- 10.4 If the Board imposes discipline on a Homeowner, the Board shall provide the Homeowner a written notification of the disciplinary action, by either personal delivery or first-class mail, within 15 days following the action. The disciplinary action shall not be effective until all requirements of this section are fulfilled.
- 10.5 A repeated offence or a need for police or animal control report or involvement may cause the board to take action with immediate effect at its next meeting whether or not the Homeowner can be present.

## 11 Election and Meeting Procedures

An ELECTION AND MEETING PROCEDURES document is available separately from Management and is on the HOA's website at [www.cuernavacahoa.com/docs.html](http://www.cuernavacahoa.com/docs.html).

## 12 Schedule of Penalties.

This document defines the schedule of monetary penalties (fines) that may be assessed by the Board of Directors for violations of association Articles, Bylaws, or Rules, as required by civil code §5850 and defined in section 5.2.f of the Declaration of Covenants, Conditions and Restrictions. It supersedes and replaces any and all prior schedules of penalties or fines. In addition the board may impose penalties which include but are not limited to temporary suspension of voting rights, use of common area facilities, or other appropriate discipline provided the Member is given notice and a hearing as provided in the Bylaws before the imposition.

A violation is a single act or omission occurring on a single day that contravenes any published association rule, article or bylaw. If the detrimental effect of a violation continues for additional days, the board may impose a per diem penalty in addition to the penalty for the initial violation. Also, similar violations on different days justify cumulative imposition of discipline. For the purposes of this document, an offense shall be defined as a single instance of a violation coming before the board for penalty enforcement.

12.1 Monetary penalties (fines) for violations are defined as follows:

12.1.1 First offense: \$50

12.1.2 Second offense: \$100

12.1.3 Third offense and subsequent offenses \$200

12.2 Monetary penalties (fines) for per diem detrimental effects are defined as follows:

12.2.1 First offense: \$5

12.2.2 Second offense: \$10

12.2.3 Third offense and subsequent offenses: \$15

After a fine is imposed, the Member shall be notified in writing within 15 calendar days and the fine will be applied to the Member's next billing statement and due and payable in thirty days.