

# Aegean Heights Homeowners Association

## Rules of Conduct & Responsibility Members, Residents & Guests

Originally approved and adopted at an Executive meeting of the  
Aegean Heights Homeowners Association Board of Directors  
on February 1, 1988.

Revised May 1995  
Revised August 1996

# **Agean Heights Homeowners Association**

## **Rules of Conduct & Owner Responsibility**

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### **Purpose:**

Rules, as published herein, are intended to govern personal conduct and the use of common area facilities of the Association in such a manner as to promote harmonious community spirit and enjoyment of amenities of the Association.

### **Applicability:**

These rules are applicable to all property owners, their families, lessees, resident contract purchasers or guests of any aforementioned persons.

### **Authority:**

The authority for publication of the Rules is contained in Article VIII, Section 1 (a) of the Association By Laws. Authority for providing penalties for infractions of such Rules is granted in Article VIII, Section 1 (a) and (b) of the By Laws.

### **Enforcement:**

Provision for enforcement is delineated in Article XV, Section 1 of the Declaration of Restrictions (CC&R's) and Article VIII, Section 1 (c) and Article IX, Section 3 (a) of the By Laws.

### **Due Process:**

Protection of the rights of individuals is assured in the enforcement and imposition of penalties through the requirement of Article VIII, Section 1 (b) for notice and hearing afforded offenders of the Rules.

### **Responsibility:**

By the very nature and purpose of a community association, it is the responsibility of each and every member to not only abide by and support the Rules of the Association, but to insure that by their own personal example and the manner in which their families and guests behave that the mutual interests and standards of the community itself are preserved. It is hoped that through knowledge and familiarity with the Rules, enforcement and penalty assessment will be unnecessary. No threat of any such action is intended herein, rather as mature adults with a common interest in our mutual well being, and interest in the protection of our health, safety and welfare, as well as our properties, we will strive to go beyond minimum standards of these Rules in our common interests. In our democratic community, we accept that in some cases Rules are designed for the majority, thus a degree of discrimination may be necessary in isolated situations. In any case where a Rule is felt to be unreasonable, unfair or discriminatory to the detriment of the entire Association, any person to whom the Rules apply is urged to appeal such a Rule to the Board of Directors with the assurance that such an appeal will be promptly studied and acted upon.

The rules published herein are for the most part simplified statements derived from the Declaration of Restrictions and the By Laws, and where conflict occurs, the Declarations of Restriction, By Laws and these Rules take precedence in that order. The publication of the Rules is not intended to distract from your responsibility to be thoroughly familiar

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with the By Laws and Declarations of Restrictions, but to stimulate you interest to exercise that responsibility.

### **Priority of Use of Common Facilities:**

The common facilities of Aegean Heights are intended for the use of property owner, their lessees or contract residents. Bonafide guests of any of these persons are normally welcome to use the common facilities in the company of their hosts. However, when the number of guests present at any facility interferes with the right of enjoyment to that facility by residents and their families, hosts are expected to take the initiative in tactfully vacating their guests. If necessary, any Director or other authority delegated by the Board of Directors may take appropriate action to limit or exclude guests from a facility in keeping with the stated intent of this priority of use stipulation.

### **Association Rules:**

Following are the Association Rules. These Rules may be revised from time to time, or amended by resolution of the Board of Directors. When such an amendment or revision is made, revised or additional pages will be distributed to all property owners.

#### **I. Association Membership and Payment of Assessments**

- 1) Ownership of property is the only qualification for membership.
- 2) Membership is not transferable except upon sale of property.
- 3) One vote is allowed for each lot owned.
- 4) Owner of each lot is responsible for payment of regular monthly assessment (hereinafter referred to as dues) and for special assessments as levied by the Association, and for interest, attorney's fees and other cost necessitated in collection delinquent dues.
- 5) Voting right may be suspended if an assessment is 30 days delinquent.
- 6) Regular monthly assessments, which are due the first of the month, will be delinquent after 30 days. A late fee of \$10.00 will be charged after the 30<sup>th</sup> day past due, against such a delinquent member's assessment. Such charges will be reflected on a future billing statement.

\*\* A first notice of past due assessment will be prepared and mailed on assessments thirty (30) days past due. A charge for the assessment letter processing will be made against the delinquent member's account at that time. An interest charge at an annual rate of 12% will be assess against all outstanding delinquent accounts thirty (30) days or more past due including delinquent assessment amounts, late charges and collection costs. Such interest charges shall continue to be assessed each month until the account is brought current.

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At sixty (60) days past due a second notice shall be sent to the delinquent member with continued administrative charges and interest levied.

At seventy (70) days past due a lien package shall be prepared and sent to the Association's designated attorney or collection service. An administrative fee for such preparation shall be charged. Additionally, attorney fees, lien filing fees and such related expenses shall be charged to the delinquent member's account. Interest charges shall continue as noted.

- 7) Owners whose dues are delinquent, or their tenants, may be denied the privileges of use of Association Recreation Facilities until dues are current.
- 8) Owners whose dues are delinquent will be assessed a \$10.00 late charge as per Sec. 6.
- 9) Property of members who are delinquent may be liened.
- 10) When property is liened, additional charges incurred in the cost of liening are added to and become part of the total delinquency.
- 11) Failure to cure a prolonged delinquency will result in foreclosure sale of the property.

### **II. Tenants and Guests**

- 1) The owner is accountable for the conduct of his family, tenants, and guests. The cost of any damage caused by tenants, guests, or family members will be assessed to the owner.
- 2) No skateboarding and/or disturbing noises after 9:00pm.
- 3) A copy of the Rules should be provided by, the owner of the property, to their renters. If not provided by the owner, the Association can provide the Rules to the renter at a cost to the owner.

### **III. Vehicle Parking Restrictions**

- 1) Townhouses – Families with one or two vehicles shall keep their vehicles parked within the garage at all times when not in use. If there are more than two vehicles in the family, residents may park in the marked parking spaces for up to 72 hours, so long as there are two vehicles parked in the resident's garage when using such parking spaces.
- 2) Private Streets- No parking on private streets except in designated marked parking areas.

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- 3) Guest Parking – Posted guest parking spaces are reserved for guests’ vehicles only and parking is limited to 6 hours in a 24 hour period.
  - 4) Patio Homes – Must maintain space for at least on automobile in the garage.
  - 5) Garage Doors – Garage doors are to be kept closed except when resident is in the immediate vicinity.
  - 6) Driveways
    - a. Townhouses Only – No parking is permitted at any time on any common or shared driveway or driveway apron.
    - b. Patio Homes Only – Parking is permitted on individual driveways only where the parked vehicle does not extend over a common or shared driveway or over a street or sidewalk.
  - 7) Unsightly, inoperable or unused vehicles shall be kept in garage at all time.
  - 8) Boats, camper shells, trailers and trailer vehicles must be kept inside the garage and shall not be parked or stored on ay street, parking area or driveway with Aegean Heights. Garage doors must be able to be fully closed for such vehicle to be stored where in.
  - 9) No commercial vehicles, motor homes or similar vehicles, or bulky or unsightly equipment shall be kept in Aegean H eights. Temporary parking is permitted for vehicles belonging to delivery trucks, service vehicles and other commercial vehicles being used in the delivery of goods or furnishing services.
  - 10) Parking is permitted only while a person is in attendance.
  - 11) Except as may be otherwise required by the California Vehicle Code, all vehicles, except emergency vehicles, must yield the right of way to vehicles making access driveways and garages.
  - 12) Non commercial vans and pick-up trucks with camper shells, no more than 12” higher than the cab, are deemed automobiles for purposed of these Rules.
- IV. Operation and Repairs of Vehicles
- 1) Riding motorbikes or motorcycles other than on surfaced roads is prohibited.
  - 2) General maintenance of vehicles may only be performed on the confines of the garage.

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- 3) Vehicle annoyance is prohibited. This includes speeding, excessive engine noise, squealing of tires, music from car stereos and noise from automotive repairs.
- 4) All vehicle traffic is governed by State Law on public streets, the speed limit on all private streets is 15 MPH.

### **V. Enforcement**

- 1) Removal of Vehicles – All vehicles or other equipment parked or stored in violation of these Rules will be subject to citation, tow or such other action by the Board as it may deem necessary. All costs incurred in the removal of such vehicles and equipment, including but not limited to, towing and storage expenses and attorney's fees, if applicable, will be charged to the owner of the unauthorized vehicle involved.
- 2) The association, acting through the Board, reserves the right to issue citations or other warnings when appropriate, but the issuance or failure of issuance of such warnings shall not affect the validity of these Association Rules and shall not constitute a condition precedent to the removal of any vehicle parked, stored, or maintained in violation hereof.
- 3) Enforcement Procedure
  - a. First Offense – Warning Letter
  - b. Second Offense – Warning Letter and an invitation to a hearing at the next Board of Directors meeting.
  - c. Third Offense – Fine of \$50.00 every month until violation is corrected.

### **VI. Common Area Landscaping**

- 1) Residents are not permitted to dispose of trash, grass clippings, or other forms of debris on the common area.
- 2) Residents shall not destroy ground cover by making paths. This applies particularly to planted areas.
- 3) Residents, their children and guests, are strictly prohibited from climbing up, sliding down or riding down any planted slope in Aegean Heights.
- 4) Owner shall be required to pay for or restore landscaping of affected areas if damage is caused by the owner, owner's family or his guests or tenants.

### **VII. Maintenance of Private Areas**

- 1) All landscaping, including shrubs, trees, grass and other plantings shall be maintained in a neat and orderly condition.

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- 2) Each owner is responsible to maintain, repair and keep his/her property in good condition. Front areas must be landscape; 60 days is allowed from date of violation notice, or recording of deed. The Association has the right to hire it done and to bill you for material and services
- 3) No sign may be larger than 18 inches by 24 inches and can only be displayed to advertise property for sale or rent. Approval for any other signs is to be submitted to the Architectural Committee for presentation to the Board for review.
- 4) All rubbish, trash and waste must be in covered sanitary containers that are screen and concealed from view.
- 5) Trash containers set out on the street or sidewalk for pick up may not be left thereon for more than 24 hours, either full or empty, and in any event must be removed by midnight of the day of the pick up.
- 6) With prior notification, property owners must allow maintenance workers to enter or cross their property in order to maintain common areas or zero lot line walls.
- 7) Plantings or architectural additions that directly obstruct the view, of a view lot owner, are prohibited.
  - a. First Offense – Warning Letter
  - b. Second Offense – Warning letter and an invitation to a hearing at the next Board of Directors meeting.
  - c. Third Offense – Fine of \$50.00 each month until violation is corrected.

### **VIII. Property Usage.**

- 1) Residences may be used only as single family dwellings and only for residential purposes
- 2) No business or commercial usage can be conducted on the property.
- 3) No residents, or their guests or children, shall play on the private streets in such a manner and to the extent that they obstruct traffic or create a danger to themselves or others or make excessive noise or create a nuisance.
- 4) No skateboard ramps are permitted on private streets because of insurance liability.
- 5) No activity that is offensive or annoying or a nuisance to any other resident is permitted on common areas or on any lot.

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- 6) No radio stations may operate from any lot or residence.

### **IX. Architectural Control**

**\*\* Review Article VIII of your CC&R's for Architectural Control. In addition the Architectural Committee has set out additional information for your benefit. All architectural decisions must be presented to the Board with suggestions from the committee, but final approval or disapproval must come from the Board.**

- 1) The committee will consider only written requests, in triplicate.
- 2) If a proposal is rejected, the applicant is free to request that the committee reconsider its position and is encouraged to present new, or additional information, which might clarify the request or demonstrate its acceptability. Final appeal may be made to the Board of Directors.
- 3) All written requests should include all information necessary for the committee to take action. Necessary data would include height, width, length, size, shape, color and location of the proposed improvement. Photographs or sketches of similar completed projects would aid the committee's consideration.
- 4) Exterior lighting shall not be directed in such a manner as to create annoyance to the neighbors.
- 5) Exterior antennas or satellite dishes require Board approval.
- 6) Approval of any project by the committee does not waive the necessity of obtaining the required County permits.
- 7) Obtaining a County permit does not waive the need for committee approval.
- 8) All exterior additions, changes, property dividers, light fixtures, air conditioning units and underground sprinklers systems must be approved by the Architectural Control Committee.
- 9) Drainage is a major problem. Therefore any landscaping, cement work, masonry work or anything that might disturb the existing drainage of slopes or lot grading requires the prior approval of the committee.
- 10) Paint – all colors must blend in with the existing exterior colors and must have prior approval. The areas in question: exterior walls, trim, door, fences, patio covers, garage doors and rain gutters. Anyone who does not abide by the decision of the Board will have the choice of rectifying or paying for the painting to be redone including labor and the cost of paint.

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- 11) Fences - height, location, material and paint must have prior approval of the board. The fence material must blend in with the existing exterior. The fencing material must be of wood, black wrought iron or brick that blends into the exterior or brick that has been covered with stucco to blend with the existing walls. All wooden fences may be stained or left in their natural state on the inside of the lot. Those not adhering to the rules may be fined, pay for labor to rectify or the Association may provide labor and material and charge the offender, if the fence is changed it is then the sole responsibility of the homeowner to maintain the new fence.
- 12) Patio Covers – no plastic or metal may be used to make a patio cover. Rough redwood or natural wood may be used. It may be stained to match the trim or stucco.
- 13) Enclosure of the walkway in the “D” plan must have prior Architectural approval.
- 14) Gates – Gates must blend into the existing exterior walls. They may be made of redwood, natural wood or black wrought iron. Wood may be painted the color of the house, stained or left natural.
- 15) Planters – All planters must have prior approval and be of a design and material that would blend into the architectural theme. The height of exterior planters should not exceed 8 inches in height.
- 16) Town homes Only – Garage door and doors – The maintenance of the doors is the responsibility of the homeowner.
- 17) Enforcement Procedure
  - a. First Offense – Warning Letter
  - b. Second Offense – Warning letter and an invitation to a hearing at the next Board of Directors meeting
  - c. Third Offense – Fine of \$50.00 each month until violation is corrected

### **X. Use of Tennis Courts**

- 1) Tennis etiquette is to be observed at all times
- 2) Rubber soled shoes, such as tennis shoes or deck shoes that will not mark or damage the court surface, must be worn at all times.
- 3) Skateboards and other wheeled devices are not permitted inside the tennis court enclosure.

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- 4) After the hour of 5:00pm. Priority for the use of tennis courts will be given to members 18 years of age or older. Unoccupied courts may be utilized regardless of age. However, persons under the age of 18 must yield use of courts to any adult over 18 who wishes to play.
  - 5) No food or glass of any kind is allowed on the courts
  - 6) Children under 6 years are not allowed on the courts.
  - 7) Courts are to be used for tennis only.
  - 8) Players are encouraged to play doubles, when possible, during prime times.
  - 9) Members, resident or guests must observe posted court rules.
  - 10) Association planned tennis tournaments must be scheduled 2 weeks in advance and have preference over open play.
  - 11) Care shall be taken not to damage the facility, particularly the court surface and nets.
  - 12) The last person leaving the court shall make sure all gates are locked and, at night, that all lights are turned off.
  - 13) No person may be involved in consecutive play unless a court is open.
  - 14) Tennis hours are restricted to the period between sunrise and 10:00pm.
  - 15) Enforcement Procedure
    - a. First Offense – Warning Letter
    - b. Second Offense – Warning letter and an invitation to a hearing at the next Board of Directors meeting
    - c. Third Offense – Fine of \$50.00 each month until violation is corrected
- XI. Use of Swimming Pool and Related Facilities
- 1) Pool hours are restricted to the period from 8:00am to 10:00pm from April 1<sup>st</sup> through September 30<sup>th</sup> and 8:00am to 8:00 pm from October 1<sup>st</sup> through March 31<sup>st</sup>.
  - 2) No member, resident, or guest is permitted in the pool area other than during regular pool hours. Member violators may be subject to suspension of use privileges. Non-member violators may be subject to arrest as trespassers.

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- 3) Children under fourteen (14) years of age entering the pool area must be accompanied by a responsible adult. There shall be one such adult for each three persons under 14, or parent with immediate family. Such adult or parent shall remain at the pool area until all persons under 14 years of age, entering in their company, have left the pool enclosure. Member violators may be subject to suspension of use privileges. Non-member violators may be subject to arrest as trespassers.
- 4) Glass of any kind shall not be permitted in the pool area or on the deck surrounding the pool
- 5) No one shall enter the pool area except through the gates by use of a key. The gate will be re-locked upon entering or leaving the pool area.
- 6) No object made of metal or plastic may be worn in the hair, unless covered by a bathing cap.
- 7) No items of any kind, except life saving devices, are allowed in the pool at any time.
- 8) Playing ball or throwing Frisbees on the pool deck is prohibited.
- 9) Swim apparel must be worn by people using the pool. Street clothing, T-shirts and "cut-offs" are prohibited.
- 10) Unsanitary practices, such as blowing nose, spitting or urinating in the pool are not allowed.
- 11) No guests are allowed unless a member or delegate (i.e. family members, tenants or resident contract purchasers) is present.
- 12) Dangerous practices prohibited: pool users may not run on the deck, climb on, sit on, or jump from fences or other structures, dive, horseplay or wrestle on decks, ladders or in the pool or in dressing rooms. Skateboards or any wheeled vehicles are prohibited within the pool enclosure at all times.
- 13) All members will be responsible for the actions of their children or guests. Member violators may be subject to suspension of use privileges. Non-member violators may be subject to arrest at trespassers.
- 14) The Association reserves the right to expel from the pool and pool area persons under the influence of alcohol, narcotics or for non-observation of pool rules.
- 15) No animal (pets) are allowed within the pool enclosure at any time.

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- 16) Parents must accompany all children in the wading pool area.
- 17) Only pre-school children are allowed in the wading pool
- 18) All children not toilet trained using either pool must wear diapers and plastic pants.
- 19) No loud music is allowed in the pool area.
- 20) No profanity is allowed in the pool area.
- 21) Enforcement Procedure
  - a. First Offense – Warning Letter
  - b. Second Offense – Warning letter and an invitation to a hearing at the next Board of Directors meeting
  - c. Third Offense – Fine of \$50.00 each month until violation is corrected

### **XII. Use of Recreation Building (Clubhouse)**

- 1) No animals (pets) are allowed in the Recreation Building.
- 2) No glass containers are to be taken into the pool area in conjunction with authorized activities in the Recreation Building.
- 3) Rough or boisterous conduct, profanity, gambling or immoderate use of alcohol, such as may be offensive to others present, may be grounds for expulsion and suspension of privileges.
- 4) Any Association Director or appointed representative so authorized by the Board of Directors has the authority to enforce prescribed rules. **IT IS THE RESPONSIBILITY OF EACH MEMBER TO REPORT INFRACTIONS OF THE RULES TO A BOARD MEMBER OR OTHER AUTHORIZED PERSON.**
- 5) Private parties require a \$200.00 cleaning deposit and any damages will be assessed to the homeowner(s). The deposit will be refunded upon satisfactory inspection following use.
- 6) For regularly scheduled unofficial activities, the \$200.00 will be a one-time deposit.

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- 7) All meetings and activities in the Recreation Building must be with the Recreation Center Coordinator, whose phone number shall be conspicuously posted on the entry doors to the building.
- 8) Anyone vandalizing the Recreation Building will be referred to the appropriate law enforcement agency for prosecution and may be subject to suspension of privileges. Should there be damage or extraordinary maintenance resulting from a scheduled use of the facility, the member responsible for the activity is responsible for costs incurred.
- 9) Under no circumstances will alcoholic beverages be sold in conjunction with any authorized activity at the Recreation Building.
- 10) Loitering on or about the Recreation Building and the general recreation area, including the parking area, is prohibited.
- 11) Special arrangements for large group use of the Recreation Building shall be completed at least two weeks before the date of use.
- 12) Notice of any group use will be posted in the Recreation Building at least two weeks before the date of such use.
- 13) Hours for parties will be from 8:00am until 10:00pm, Sunday through Thursday and 8:00am-Midnight on Friday and Saturday.
- 14) Enforcement Procedure:
  - a. First Offense – Warning Letter
  - b. Second Offense – Warning letter and an invitation to a hearing at the next Board of Directors meeting
  - c. Third Offense – Fine of \$50.00 each month until violation is corrected

### **XIII. Pet Rules**

- 1) All dogs are to be leashed at all times while outside on the common areas of the Association. Unleashed animals outside are subject to being turned over to the county pound.
- 2) Any pets creating a nuisance for residents are subject to action by the Board of Directors, which may include, but is not limited to fines.
- 3) Pet waste on private and common area is a nuisance and a health problem and will not be tolerated; action will be taken against violators by the Board of Directors.

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- 4) Enforcement Procedure:
  - a. First Offense – Warning Letter
  - b. Second Offense – Warning letter and an invitation to a hearing
  - c. Third Offense – Fine of \$50.00 each month until the violation is corrected.

#### XIV. Hearings on Fines Levied

- 1) All persons who have been warned twice and found in violation of any rule and regulation, CC&R or Bylaw shall have a right to a Hearing, prior to being fined for the said violation, in the presence of the Board of Directors.
- 2) The Hearing panel shall consist of the Board of Directors.
- 3) The Hearing shall be held at the next Board meeting.
- 4) The board or Management Company must notify the homeowner of the date and time of the Hearing, in writing.
- 5) Failure of the homeowner to appear at the Hearing shall be deemed a permanent waiver of the Hearing and an admission of the validity of the fine, and judgment in the amount of \$50.00 shall be levied against the requestor's account by reason of his default.
- 6) At the Hearing, evidence may be presented by all interested parties who have relevant evidence related to the fine. When all evidence is presented and all arguments made, the Board shall come to a decision, either immediately, or within 24 hours, if it feels it must discuss the case in private, and thereafter notify the homeowner(s) of the result.
- 7) This Hearing procedure shall constitute the sole remedy for persons fined for violations of the Rules and Regulations, Bylaws and CC&R's and the decision of the Board shall be binding.

#### **Disclaimer:**

Failure of the Association to enforce any of its Rules, Bylaws or Declaration of Restrictions shall no constitute a waiver of the right to enforce the same thereafter.

No intent is contained in any published regulatory documents of the Association to imply that those regulations are exclusive in the Rules that apply to its members. No set of Rules can encompass every conceivable situation or occurrence. Laws of constitutional governments, law of precedent and the unwritten laws of exception responsible behavior are fully applicable to each member of the Association. Recommendations for further amplification of necessary Rules to promote the health, safety, and welfare and to protect

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the life and property of members of the Association will be welcomed and given full consideration for incorporation herein.