



BRISA DEL MAR HOMEOWNERS ASSOCIATION RULES AND REGULATIONS

Adopted May 16, 2016

PARKING

- Regardless of ownership, all vehicles parked within the Community are subject to the provisions of the Association's CC&R's Section 6.05 and the Rules and Regulations as adopted and periodically amended by the Association's Board of Directors in accordance with the provisions of the CC&R's.
- Disabled vehicles may not be parked anywhere within the Community, except in garages. No vehicles may be parked at any time in a manner which would obstruct another's access to their garage or property.
- No one will be allowed to park a vehicle in front of another home longer than 12 hours.
- All work on vehicles, boats, motorcycles etc. shall be performed inside the garage.
- The maximum speed limit in the complex is 15 miles per hour. There are many small children so homeowners must drive slow and cautiously.
- Residents are not to park trailers, boats, campers, recreational vehicles and other vehicles as defined in Section 6.05 (b) of the CC&R's anywhere in the community except wholly within a garage unless otherwise approved by the Board and a permit is obtained from the City in accordance with applicable City ordinances. If such a vehicle is approved by the Board for parking outside of a garage and is issued a permit by the City, the vehicle shall be parked in the homeowner's driveway whenever possible.
- Mopeds and motorcycles are to be parked in the homeowners' garage or driveway.
- Residents are to use at least two garage stalls and shall use 3 driveway spaces before parking on the street. When it is necessary to park a vehicle on the street it shall be for temporary purposes only. Residents are encouraged to park the vehicle directly in front of their own home.
- Vehicles not in regular use may not be stored on the street. In no event shall a vehicle be left on the street for longer than 12 hours consecutively.
- Vehicles displaying signs must be parked in the garage or under a car cover when not in use.
- No more than three vehicles may be parked in a driveway.
- Privately constructed vehicles, altered production vehicles, kit cars, and dune buggies, must have Board approval to be parked outside of the garage, except for temporary parking as defined in Section 6.05 (d) iii of the CC&Rs.
- Commercial Vehicles of Residents: Commercial vehicles belonging to and/or driven by residents are prohibited from parking in public view on Brisa Del Mar streets or driveways. However, such vehicles may park in garages out of public sight. Commercial vehicles may be defined as any vehicle which:
 - Displays the name of a business or hobby business or other commercial enterprise or employer anywhere on the vehicle;
 - Has a chassis with a capacity of 3/4 ton or larger, such as flatbed trucks, tow trucks, tractor-trailer rigs, and the like;
 - Carries equipment, tools, or materials, related to a business which are visible from outside the vehicle such as ladders, pool supplies, plumbing equipment or materials, construction materials, landscape equipment or materials, etc.;
 - Is over 18 feet in length, bumper to bumper.

- Violation of rules and regulations relating to parking of vehicles may result in a fine and upon repeated occurrence may result in the towing of a vehicle.
- Street Sweeping. During designated street sweeping days no vehicles may be parked on the street.

TOWING

- In the event the Association causes a vehicle to be towed from the Community, the tow-away shall be in compliance with the requirements of California Vehicle Code Section 22658 or any comparable successor statute.

PETS

- The Association is subject to regulations of the City of San Clemente Municipal Code for Animal Control Regulations including Leash Laws, Animal Property Damage, Barking Dogs, Vicious Animals and Abuse of Animals. Enforcement of Animal Regulations is done by the Coastal Animal Services Authority, 221 Avenida Fabricante, San Clemente, CA. 92672-949-492-1617 and they should be contacted directly.
 - Pet owners are required to pick up their pets' waste and dispose of it in a sanitary manner.
 - Leash Law 6.08.030 "No person owning or having charge, care or custody of any dog shall cause, or allow the same to run at large upon any highway, street, alley or other public place, or upon any private property or premises other than his or her own without written consent of the owner or lessee or such land, unless such dog is restrained by a substantial leash, not to exceed six feet in length, and in the charge of a person competent to restrain such a dog.
 - No breeding of animals for commercial purposes.
 - No livestock or poultry shall be raised on the premises.
 - No more than (3) dogs may be at a residence at any one time, including dogs belonging to guests or neighbors. Article VI, Section 6.06 of the CC&R's prohibits dogs and cats from being kept, bred or maintained at any residence for any commercial purpose, including breeding, pet sitting, training, and grooming.

NOISE

- Loud and disturbing noise of any kind will not be tolerated. This includes TV's, home stereos, revving car engines, motorcycles, car stereos, etc. Please be courteous and think of your neighbors.
- No saws, hammering, mowing, or similar noises before 7 A.M. on weekdays and 8 A.M. on weekends, and not after 9 P.M.

WINDOWS

- No objects are to be placed on or affixed to the windows which would be visible from the exterior except as allowed by law. Such objects include, but are not limited to: poster, flags, signs, advertisements, with the exception of holiday decorations, for sale or rent signs, security signs or other approved signs.
- No window shall be covered with paint, foil, sheets, or similar items. All windows shall be covered by curtains, drapes, blinds, shades or shutters within six months of move in.

- Glass and windows must be maintained in good condition. Broken windows must be replaced within 30 days.
- No reflective or metallic window covering of any kind will be allowed.
- Window coverings seen from the outside should conform with the existing architecture and color scheme of the neighborhood.

EXTERIOR ATTACHEMENTS

- Nothing may be attached to the exterior of the building including back patios except as it wholly conforms with the architectural guidelines.

HOLIDAY DECORATIONS

- Christmas decorations are permitted from Thanksgiving until January 10th. Christmas lights are permitted as long as they are secured.
- Decorations for other holidays are approved 14 days before and 14 days after the holiday.

COMMON AREAS AND GENERAL RULES

- Common areas may not be altered without the prior approval of the Board of Directors, and may not be used for storage of personal property.
- Personal property is to be stored on the resident's property out of sight, if possible. Barbecues, toys, bicycles, and other personal property may not be stored on front porches, front yards or walkways unless prior written approval is obtained from the Board of Directors.
- No plants may be placed on fence rails.
- All weeds, rubbish or unsightly material or objects shall not be allowed to accumulate in an area of public view and shall be removed within seven days notice from the Board.
- Homes shall be used for single-family residence only.
- Homes should not be used to carry on any business that unreasonably affects a neighbor's use and enjoyment of their property, streets or common areas.
- Per CC&R Section 6.01-Commercial Use. "No part of any Parcel may ever be used for any business, commercial, manufacturing, mercantile, storage, vending or other nonresidential purposes," except as permitted by the Section.
- Car covers must be neutral in color and must be maintained in good condition. Any torn or frayed cover must be replaced or repaired.
- Any member or owner, guest, tenant, or family member found altering or destroying any portion of the common area landscaping, facilities, or property is subject to fine and Special Assessment for the replacement or repair from such destruction.
- Trash receptacles shall not be placed in the common area more than 24 hours before the designated day of pickup. All trash receptacles shall be removed from common area within 24 hours of trash pickup.

TENANTS (CC&R Section 6.13)

- All owners who lease their property must provide the Association with a signed tenant disclosure showing that tenants received a copy of the a) CC&R's, b) Rules and Regulations, and c) Architectural Standards, and that the tenant(s) agree to adhere to these governing documents and any amendments that may be made to them from time to time as provided therein.
- Per CC&R Section 6.13- "No parcel shall be leased for transient or hotel purposes, which shall be defined as rental for any period less than thirty (30) days or any rental whatsoever if the occupants of the Parcel are provided customary hotel services such as room service for food and beverage, maid service, furnishing laundry and linen and bellboy service."

ARCHITECTURAL

- Any addition or change to the color or structure or landscape or a parcel must get Architectural Committee approval in advance.

BACKYARDS

- It is the responsibility of the homeowner to keep their backyard maintained in a good state. Backyards must be completed by 1 year of escrow.

SIGNS

- No sign or billboard of any kind shall be displayed to the public view within the Community except such signs as may be permitted by law, including a sign advertising a lot "for sale" or "for lease".
- All realty signs must be removed when escrow is opened on the property or within 24 hours after a lease or rental agreement has been signed. Sold signs or riders are not allowed.
- All commercial signs are prohibited except realty signs and security service signs.

EVENT SCHEDULING

- Members may wish to schedule group events on Association common areas such as Pool Park, North Park, South Park or Community streets. Any such group event of 15+ persons must be scheduling through the BDM Property Manager by an Owner/Member of the BDMCA. Scheduling shall include the designation of a responsible person to oversee clean-up and access liability for any damage incurred by such event. Guests of Owner/Members are subject to the same Rules and Regulations as Association Members. Event schedules do not exclude other BDM Owner/Members from the use of the same facilities.

POOL AND SPA

- Although privately owned and restricted to the use of residents and guests in the accompaniment of residents, the pool facility is defined under State law as a public swimming pool and the Association must insure that its use and operation is compliant with mandated State law and the oversight regulation of the County Health Care Agency.
- The pool/spa areas will be open 7 days a week from 6:00 AM to 10:00 PM. No excessive noise is permitted before 8:00 A.M. and after 9:00 P.M. including loud talking, laughter, stereos, radios, TV's, or

other noise that would disturb nearby residents. During pool hours the noise level should be held to a minimum.

- NO CHILDREN UNDER THE AGE OF 14 ARE ALLOWED IN THE POOL/SPA AREA WITHOUT ADULT SUPERVISION. CHILDREN UNDER THE AGE OF 14 MUST BE ACCOMPANIED BY AN ADULT OVER THE AGE OF 18.
- Guests may only use the pool/spa with accompaniment of a homeowner. Residents must use good judgment in the number of guests using the pool/spa at any one time.
- Homeowners/Residents will be responsible for all conduct and behavior of guest.
- The following are not allowed in the pool/spa area: Bicycles, skateboards, any other wheeled toys, kickboards, or hazardous toys, glass containers, or other breakable or sharp object. ALL GLASS AND/OR BREAKABLE ITEMS ARE STRICTLY PROHIBITED.
- NO DIVING or running is permitted within the area. No climbing on gates, fences, etc. is permitted.
- No pets are allowed in the pool/spa area at any time.
- Association furniture and other fixtures must not be removed from the pool/spa area.
- All persons using the pool/spa do so at their own risk. The association assumes no responsibility for any accident or injury in connection with such use, or any loss or damage to personal property.
- Residents using the pool/spa are responsible for depositing trash in appropriate receptacles. Residents are also responsible for cleaning up any area they use.
- SPA WARNINGS "CAUTION"
 - ELDERLY PERSONS, PREGNANT WOMEN, INFANTS AND THOSE WITH HEALTH CONDITIONS REQUIRING MEDICAL CARE SHOULD CONSULT A PHYSICIAN BEFORE ENTERING THE SPA.
 - UNSUPERVISED USE BY CHILDREN UNDER THE AGE OF 14 IS PROHIBITED.
 - HOT WATER IMMERSION WHILE UNDER THE INFLUENCE OF ALCOHOL, NARCOTICS, DRUGS OR MEDICINES MAY LEAD TO SERIOUS CONSEQUENCES AND IS NOT RECOMMENDED.
 - DO NOT USE THE SPA ALONE.
 - LONG SPA EXPOSURE MAY RESULT IN NAUSEA, DIZZINESS OR FAINTING.
- No food is permitted in pool/spa except in designated areas.
- All gates must remain locked at all times (special care should be taken to ensure compliance to this rule as it is for the safety of small children). USE YOUR KEY. No climbing over fences.
- All swimmers must shower before entering the pool/spa and must wear a swimsuit. No ragged edged garments allowed.
- Any damage to equipment or furnishings in the pool/spa area should be promptly reported to the Association.
- WARNING: NO LIFEGUARD ON DUTY. Because there is no lifeguard on duty, residents will be responsible for the actions of their children and guests.
- POOL USE CAPACITY IS 47 PEOPLE. SPA USE CAPACITY IS 10 PEOPLE.
- DIARRHEA WARNING: PERSONS HAVING CURRENTLY ACTIVE DIARRHEA OR WHO HAVE HAD ACTIVE DIARRHEA WITHIN THE PREVIOUS 14 DAYS SHALL NOT BE ALLOWED TO ENTER THE POOL WATER.
- "Hopping-the-fence" rather than lawful pool entry by anyone at any time is an act of trespass subject to Police action and or loss of pool privilege.

VIOLATION ENFORCEMENT AND FINES

- The First Notice of any Rules and Regulations offense shall be a warning notice from the Board of Directors giving a limited period of time to correct violation.
- The Second Notice shall set a date for hearing by the Board of Directors, at which time the Board may levy a \$50 fine, plus costs if applicable.
- If there is no response by violator and offense is not corrected, and following notice and an opportunity for a hearing, additional fines of \$100 per month may be imposed for as long as the violation continues. The Board of Directors may proceed under due process of law for the collection of such fines.
- Depending upon the nature and/or severity of the violation, the Board of Directors may elect to pursue other enforcement remedies without sending a warning letter or hearing notice.
- Vehicle Parking: All vehicles and other equipment parked or stored in violation of any Vehicle Parking Rules are subject to tow-away and/or such other action by the Board as may be deemed necessary (i.e.: Notices, Hearing, and Fines). All costs incurred in the removal and storage of such vehicles will be charged to the owner of the vehicle in violation.