

## **September 22, 2021 STATEMENT OF PURPOSE AND EFFECT OF PROPOSED RULES**

The social success of Americana Gardens HOA, a Common Interest Development, depends in large part, on the Covenants, Conditions and Restrictions (CC&R's) that govern how Members are expected to conduct themselves and then ultimately how successfully Residents conform to that expected conduct. Typically, the declaration commits all Homeowners to general covenants, while the Association's Rules and Regulations provide specific guidance for the course of day-to-day living for all Residents of the Association.

Without clear and detailed R&Rs and an effective means to enforce them, the community living experience becomes disorderly and unmanageable. The responsibility and rule-making power of the Association rests in the hands of the Board of Directors. The purpose of these proposed Rules is to provide clarity and detail to some of the existing rules and establish rules that further define conditions outlined in the Association's CC&Rs in order to promote and maintain order, manageability and accountability for the benefit of all Residents at Americana Gardens.

The Board of Directors @ Americana Gardens HOA intends to adopt the proposed Rules in an effort to simplify the understanding that while living in a Common Interest Development all Residents, be they Homeowners or Tenants are expected to contribute to the betterment of the community. The intended effect of promoting this understanding is to enhance the enjoyment and tranquility for all persons living in the community. Enforcement of these rules shall be according to the schedule of notices and fines contained herein.

# **PROPOSED PATIO & BALCONIES RULES**

**STATUS: APPROVED BY BOD 07/12/2021**  
**SCHEDULED FOR ADOPTION 09/13/2021**

## **PATIOS AND BALCONIES**

- 1.) All Residents are required to maintain their patio or balcony area over which they have been granted exclusive use in an acceptable state of cleanliness and repair at all times to preserve and protect the attractive appearance of the property. Outdoor patio or lounge furniture, BBQ equipment and plants must be maintained in a clean and orderly condition. No visible storage of any unsightly nature is permitted on the patio or balcony. This includes but is not limited to clothes, hampers, mops, brooms and other cleaning items, boxes, exercise equipment, toys, excessive furniture or any other item that is not intended for outdoor use. At no time should any object other than permitted sun screens/shades or permitted hanging plants/items extend above or beyond the height of the patio or balcony railing.
- 2.) Any item being displayed by any Homeowner or other Resident outside of their own separate interest which can be seen from any exterior vantage point is subject to review by the ARC. If unsure about your item, contact the property manager.
- 3.) Plants must be trimmed to prevent growth which extends over the walls or rails into the common area and/or when the plants detract from the surroundings.

### **Permitted items include but are not limited to the following:**

- a) Awnings and sun/shade screens (retractable, dropped, roll-up, fixed or stand-up). They shall blend well with the exterior building colors (which is interpreted to mean neutral and/or natural earth tone in color). Other colors may be acceptable and require an AVR prior to installation. Standing privacy screens shall not exceed six (6) feet in height.
- b) Shade umbrellas are limited to two (2) per patio/balcony. The umbrellas shall be neutral and/or natural earth tone in color and maintained in good repair. (Other colors may be acceptable and require an AVR.)
- c) Potted or hanging plants are allowed so long as the overall weight of any such plant(s) does not risk structural damage to the building or balcony. (Please be courteous of residents below when watering from balcony).
- d) Hanging plants and/or other decorative items (i.e. wind chimes, bird cages, hummingbird feeders, etc.) shall not exceed the total number of six (6) in any combination.
- e) Planter boxes that overhang the outside of the railing are permitted provided that they are cared for and watered if live and/or properly maintained if using artificial plants and/or flowers. Empty boxes must be removed.
- f) Only solar or battery powered outdoor lighting may be used on the patio/balcony.
- g) Christmas/holiday lights and other decorations (either free standing or attached to patio or balcony railings) between Thanksgiving and January 15<sup>th</sup> of each calendar year are allowed.
- h) One (1) BBQ grill (gas/propane) is allowed. Grills must be fitted with lids made exclusively for that model of grill. One (1) spare tank is permitted.

- i) Patio furniture and lounges must be clearly designed for outdoor use.
- j) Satellite dishes (must be installed on a tripod on the patio/balcony or placed on a sled mount on the roof) Satellite dishes must not be attached to the building exterior or cable wires exposed. Installations require an AVR.
- k) Bicycles (Maximum of two (2) per patio/balcony) are allowed provided they are operable and locked when not in use. At your own risk.
- l) Thin yellow reed style (0.125" diameter) "Rolled Bamboo Screening" that does not extend beyond the height of the patio/balcony railing.

Not Permitted items include but are not limited to the following:

- a) No patio or balcony shall be enclosed with lattice or any other material(s).
- b) Any laundry or pool towels hanging over patio or balcony railings for any purpose even for a short period of time.
- c) Tiki torches or any other lighting with exposed flames.
- d) Misting systems on ceiling overhang or patio/balcony railings.
- e) Pigeon/bird spikes on patio/balcony railings or roofline above balcony.
- f) Charcoal or wood burning grills are not permitted.
- g) Ceiling fans are not permitted.
- h) Furniture, blinds or shades that are not designed for outdoor use.
- i) No electrical cords are to be plugged into the installed lighting fixtures.
- j) Cables, electrical cords, rope or rope type lighting or any other string type lights. (With the exception of Holiday lighting during specified times.)
- k) Storage of combustibles (gasoline, kerosene, etc.) is not permitted. One spare propane tank is allowed to be stored on the patio or balcony of your condominium.
- l) Decorative art is not allowed prior to filing an AVR.
- m) Thin yellow reed style (0.125" diameter) "Rolled Bamboo Screening" that extends beyond the height of the patio/balcony railing.

The preceding lists are intended to be informative guidelines for the quality and quantity of the type of items which may be considered by the ARC as acceptable or unacceptable for display. The above lists are not intended to be all-inclusive. The Association's CC&R's Article VII, Section 3(A) authorizes Board oversight of change making activities that can be observed from and/or affect the Common Areas of the Property.

**ENFORCEMENT OF THESE RULES IS SUBJECT TO THE SCHEDULE OF FINES AS ADOPTED BY THE BOARD OF DIRECTORS.**

**PROPOSED Pool & Spa RULES & REGULATIONS**  
**STATUS: PENDING BOD APPROVAL 08/09/2021**  
**SCHEDULED FOR ADOPTION 09/13/2021**

**POOLS AND SPAS**

- 1.) ALL PERSONS USING POOLS AND SPAS DO SO AT THEIR OWN RISK. NO LIFEGUARD IS ON DUTY AT ANY TIME. POSTED RULES ARE TO BE OBSERVED AT ALL TIMES.
- 2.) Pool and spa hours are daily from 8:00 a.m. to 10:00 p.m.
- 3.) No diving, running, horseplay or loud boisterous activity allowed in or around pool or spa.
- 4.) Children under the age of twelve (12) are not permitted in pool area unless accompanied and supervised by a responsible adult eighteen (18) years of age or older at all times. Children in cloth or disposable diapers are not allowed in the pool or spa. Children under the age of four must wear leak proof diapers/swimmers when in the pool area. Use caution when allowing children of any age to go into the spa. Children can overheat more rapidly than adults.
- 5.) All persons must wear proper swimwear in the pools and spas at all times. Nudity is not permitted at any time in the pool and spa areas.
- 6.) NO BOTTLES, GLASSWARE OR BREAKABLE MATERIALS OF ANY KIND IS PERMITTED IN THE POOL AND SPA AREAS. (Violation of this rule may bring automatic fines to the Homeowner.)
- 7.) Gates must be kept closed and locked at all times. Propping open gates is not permitted.
- 8.) No animals are allowed in the pool and spa areas at any time.
- 9.) No music is allowed at any time. Listening to music in the pool and spa areas is limited to those wearing ear phones or ear buds only.
- 10.) Pool furniture is for the benefit of all and may not be reserved by placing towels or other personal belongings on the furniture for later use. Removal of furniture from the pool areas is prohibited.
- 11.) The Association does not employ "pool staff" to straighten out at the end of each day. Those that move the furniture around in the pool areas must put it back in order before they leave. Please maintain the pool and spa areas in a neat and orderly manner.
- 12.) Pool areas must be kept clean and clear at all times. Remove all trash or place it in the appropriate receptacle provided. Do not overfill the trash cans. Do not leave behind cigarette butts. Take any toys, pool noodles, inflatable rafts, etc. out of the pool area as they may be thrown out.
- 13.) No BBQ or cooking at the North and South pool areas at any time.
- 14.) Sexual activity is never permitted in any pool, spa or surrounding area at any time.

## POOL NOISE

Typical people noise during the day is permissible and must be measured and reasonable.

- Daytime is considered to be from 8AM to 8PM.
- After 9PM, residents should start winding down their activities. If residents remain outside after 9PM, it should sound as though they are not.
- After 10PM residents should be inside of their unit with the doors closed.

Neighbors expect the usual quiet that any Palm Springs neighborhood would afford them. Even 2 or 3 people casually talking in the hot tub can be clearly audible to other neighbors and after 10PM that is not acceptable.

*\*The city ordinance mandates all pool and people noise must stop at 10:00 pm. However, in an over-abundance of caution and constant goal of the ultimate respect to your neighbors, the Association requests that you consider a more conservative noise curfew of 9:00 PM. The complete ordinance may be found here: <https://www.palmspringsca.gov/home/showdocument?id=1986>*

ENFORCEMENT OF THESE RULES IS SUBJECT TO THE SCHEDULE OF FINES AS ADOPTED BY THE BOARD OF DIRECTORS

# **PROPOSED DRYER VENT MAINTENANCE RULE**

**STATUS: PENDING BOD APPROVAL 08/09/2021**

**SCHEDULED FOR ADOPTION 09/13/2021**

## **MAINTENANCE OF PROPERTY**

Homeowners are responsible for the maintenance and repair of dryer vents located within the separate interest of their unit up to the termination point at the exterior of the building. (CC&Rs Article 10; Section 4(B)). In an effort to prevent dangerous conditions caused by excessive lint buildup which may result in fire, each owner is required to ensure that the vents serving their respective units shall be kept cleaned out and in safe operable condition at all times. The Board has determined that an annual professional cleaning shall be required and has established a program for the cleaning schedule of the vents. In the event a Homeowner fails to perform the scheduled maintenance the Board shall have the right to perform the maintenance and may levy a reimbursement assessment to recover the costs. (CC&Rs Article 10; Section 5)

**ENFORCEMENT OF THESE RULES IS SUBJECT TO THE SCHEDULE OF FINES AS ADOPTED BY THE BOARD OF DIRECTORS.**

# **PROPOSED PARKING RULES AND REGULATIONS**

## **STATUS: PENDING BOD APPROVAL 08/09/2021**

### **SCHEDULED FOR ADOPTION 09/13/2021**

#### **PARKING AREA & VEHICLE RULES**

Residents are to park their vehicles in their assigned parking spaces. These parking spaces are considered to be “*common area exclusive use*”. Each condominium is assigned ONE (1) and only ONE (1) parking space. If a residence has more than one car, the second car must be parked on the street.

- 1.) The common area parking spaces (including handicapped spaces) are designated for the use of guests and visitors any time, day or night. Under no circumstances are residents allowed to use parking spaces that are designated for guest parking. Temporary residents are not considered to be guests or visitors and must use only the parking space designated for the condominium that that are renting.
- 2.) Parking signs are to be strictly adhered to at all times. Those parking spaces marked with clear signs stating “GUEST PARKING ONLY” OR “NO RESIDENT PARKING” are reserved for guest parking only and are not to be utilized by residents. This also applies to handicapped spaces with clear signs stating “RESERVED PARKING FOR HANDICAPPED GUESTS ONLY”. Residents may utilize the GUEST ONLY handicapped spaces for loading and unloading only. In that case the handicapped resident must always be present. Residents seeking exception from this rule must apply to the Board for “reasonable accommodation”, which will then be considered on a case-by-case basis.
- 3.) Fire lanes are painted red and no parking is allowed at any time. Violators will be subject to immediate tow-away.
- 4.) The common area of the parking lot is considered to be fire and emergency access. Parking in the common areas other than parking spaces is strictly prohibited.
- 5.) Double-parking is prohibited at all times. All vehicles must park within the designated lines marked for their own assigned parking space.
- 6.) The speed limit is not to exceed five (5) mile per hour.
- 7.) Other than in emergency situations (flat tire, battery charge, etc.) there shall be NO VEHICLE REPAIRS allowed in any common area. This includes the parking space assigned to each unit
- 8.) Commercial vehicles may be temporarily parked in the common areas or off the streets while making deliveries
- 9.) Storage of any trailer, camper, motor home, R.V., commercial vehicle, boat, trucks larger than 3/4 ton, (collectively referred to herein as “Recreational/Commercial Vehicles) in common area parking spaces is strictly prohibited. This does not apply to vehicles that are used both for business and personal use, provided that any signs or markings of a commercial nature on such vehicles shall be unobtrusive and inoffensive as may be determined by the Board. Refer to Section 5(B) of article VI of the CC&Rs.

- 10.) Vehicle Code - Pursuant to Section 13.208B of the California Vehicle Code (CVC) and the Municipal code, all provisions of these codes are enforceable in the complex by citation by the Palm Springs Police Department and any other Board-designated patrol security services.
- 11.) No inoperative or unregistered vehicle shall be parked in any of the common areas. This includes the common area exclusive use parking spaces assigned to each condominium. 2021
- 12.) No toys, bikes, skateboards or other items or personal property is to be left or stored in the common area exclusive use parking spaces assigned to each condominium.
- 13.) Loud music from automobile sound systems is not permitted at any time in the parking area of the complex. Volume must be turned down upon entering the driveway.
- 14.) Oil must not be permitted to remain or accumulate in driveways, parking areas or aprons. In case of a leak, asphalt and/or concrete must be cleaned immediately. Call the management company for access to the maintenance department.
- 15.) Motorcycles and motor scooter are not to be parked within the interior of the complex. They must be parked within the perimeter of the common area exclusive use parking space assigned to the condominium.
- 16.) The Americana Gardens Homeowners Association and the Board of Directors shall not be responsible for the maintenance, insurance, liability, theft, vandalism or any damage which may come to any vehicle. **THE VEHICLE(S) OWNER SHALL BE TOTALLY RESPONSIBLE FOR ANY VEHICLE (INCLUDING PERSONAL AND/OR PRIVATE PROPERTY) PARKED UPON THE PROPERTY OF THE HOMEOWNERS ASSOCIATION.**

ALL OF THE ABOVE RULES AND REGULATIONS IN REGARDS VEHICLES AND PARKING SHALL BE STRICTLY ENFORCED. Any vehicle parked in violation of any of these rules is subject to automatic (no warning given) towing or immobilization by the Palm Springs Police Department or a private parking/security patrol company at the owner's expense and/or subject to minimum penalty assessments of Fifty Dollars (\$50.00) for each occurrence.

**ENFORCEMENT OF THESE RULES IS SUBJECT TO THE SCHEDULE OF FINES AS ADOPTED BY THE BOARD OF DIRECTORS.**



# **PROPOSED TRASH HANDLING RULES**

**STATUS: APPROVED BY THE BOD 07/12/2021**

**SCHEDULED FOR ADOPTION 09/13/2021**

## **TRASH HANDLING**

- 1.) Except for when disposing of one's household trash, dumpster lids are to be kept closed at all times for health and safety reasons. **Leaving lids open is a rule violation.** Dumpster diving is strictly forbidden.
- 2.) Overfilling of the dumpsters which prevents lids from closing and/or leaving trash outside of the bins is strictly prohibited. **If bin is full use an alternate location.**
- 3.) **It is strictly forbidden to throw garbage over or through the rails or dome of the trash enclosure.** With the exception of recyclables all other trash must be securely bagged and then be disposed of by placing within the trash bins and not on the floor of the enclosure.
- 4.) **"Charitable" items must not be left outside of the trash bin enclosure.**
- 5.) **Oversized item must not be left inside or outside of the dumpster enclosure area.** For oversize household items owners must call Palm Springs Disposal Service @ (760) 327-1351 to schedule a special pickup. Items can be placed at curbside on the evening preceding pickup.
- 6.) Trash is picked up every Monday, Wednesday and Friday by the Palm Springs Disposal Service. (If Monday occurs on a national holiday, pickup is usually a day later than regular pickup.)
- 7.) Storage of trash containers in the common area (outside of your condo) and in the exclusive use areas (patios & balconies) is prohibited. This includes recyclables.
- 8.) Residents are encouraged to play a role in keeping the property cleaned up. Not to litter (including cigarette butts) in any area of the complex. Pick up papers and debris when observed and keep the area in front of their respective condominium clean at all times.
- 9.) Residents must report any violators of these rules to the management company so that the violator can be warned to cease undesirable activity and/or make reimbursement to the Association for the cost of cleaning up after them. Homeowners and Residents should recognize that the cost of those who violate these rules is paid for by everyone else. All residents should not have pay the bill for the wrongdoings of a few.

**ENFORCEMENT OF THESE RULES IS SUBJECT TO THE SCHEDULE OF FINES AS ADOPTED BY THE BOARD OF DIRECTORS.**

# **PROPOSED SCHEDULE OF FINES**

**STATUS : APPROVED BY THE BOD 07/12/2021**

**SCHEDULED FOR ADOPTION 09/13/2021**

## **ENFORCEMENT OF RULES AND REGULATIONS**

In order to enforce the CC&Rs, Bylaws, Articles of Incorporation and Rules and Regulations, the Board of Directors may levy, assess and collect reasonable fines and costs as established by the Board of Directors. The fines will be assessed against the Homeowner for violations by the Homeowner, members of his or her family, invitees, licensee, tenants or lessees of such Owners.

THE SCHEDULE OF NOTICES AND STANDARD FINES TO BE LEVIED IN THE CASE OF VIOLATIONS OF RULES AND REGULATIONS ARE AS FOLLOWS:

### **1. SCHEDULE OF NOTICES**

- A. First Offense: Warning Letter to Owner
- B. Second Offense: Hearing Letter to Owner, Possible Fine
- C. Third Offense: Hearing Called By Board of Directors plus Fine
- D. Reoccurring Offenses: Enforcement in accordance with the determination of the Board at the hearing.

### **2. SCHEDULE OF FINES**

- A. First Violation: First Notice \$50.00 to \$500.00
- B. First Violation: Second Notice \$100.00 to \$1000.00
- C. First Violation: Third Notice \$200.00 to \$2000.00
- D. First Violation: Additional Notice \$150.00
- E. Fines - Subsequent Violations by Previous Offenders: As determined by the Board of Directors

- 1.) The list above is not intended to be all-inclusive. Additions may be made as required. Fines etc. may vary and may increase depending upon the circumstances. Fines etc. may be at the discretion of the Board of Directors; the amounts shall be predicated upon the severity of the violation and may include legal action. Multiple violations within the same time period may incur fines that are imposed individually or compounded into one fine.
- 2.) All legal fees or costs incurred by the Association to enforce violations or collect fines will be the responsibility of the homeowner and will be charged as reimbursement assessment.
- 3.) It is each Owner's sole responsibility to inform their tenants of the nature of living in a condominium community. Owners are required to furnish their tenants with a copy of these Rules and Regulations by posting these rules within a unit when it is rented or leased. It is each Owner's responsibility to notify the Association within 10 days of rental with the name of the tenant, phone number and email address, vehicle license plate number and other information as may be required. The Landlord & Tenant Responsibility form will be required to be filled out for each new tenant. The Owner is also responsible for any and all damage caused by their tenants and/or tenant's guests.
- 4.) Anyone wishing to report an alleged violation of the Rules and Regulations or CC&Rs may do so by contacting the management company. Violations should be reported in writing. The identity of the person reporting the violation will not be disclosed to the Owner involved.
- 5.) Failure to pay the fines in the time as set forth herein may result in the filing of appropriate legal action up to and including a lien against the property. In addition, voting rights and the right to use the pool may be suspended.
- 6.) Title Six of the California Civil Code also known as the "Davis-Stirling Common Interests Development Act" and all sections therein and all sections subsequently added are deemed incorporated into these Rules and Regulations and made a part hereof.