

VIA VERDE ESTATES, INC.

A Residential Planned Development Senior Housing Community

Rules and Regulations Governing Use of Facilities

Rules & Regulations for Via Verde Estates, Inc., amended and restated in 2021

Every effort has been made to maintain the basic material originally intended by the originators of the Via Verde Estates, Inc. Rules & Regulations, while conforming to legislative updates (2021 Davis-Stirling Common Interest Development Act) as well as the necessity to revise and clarify our rules and regulations.

California Civil Code

Unruh Civil Rights Act: 51. This section shall be known, and may be cited, as the Unruh Civil Rights Act.

All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, or sexual orientation are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind, whatsoever. "Disability" means any mental or physical disability as defined in Sections 12926 & 12926.1 of the government code.

A Note from Your Board of Directors

This document establishes the requirements for daily living in Via Verde Estates, and it is required that all residents will make a best effort to follow these rules for living harmoniously within our community.

Please keep this in a safe place along with your Declaration of Restrictions (formerly referred to as CC&Rs). Article 4, Section 4.9 gives your Board of Directors the right to levy fines when members offend their neighbors by ignoring these rules or performing in any violations of the Declaration of Restrictions.

General

The three governing documents of Via Verde Estates, Inc. are the Declaration of Restrictions (formerly CC&Rs), Bylaws, and Rules and Regulations. All Via Verde homeowners and authorized tenants should familiarize themselves with these documents, with emphasis on Article 6 of the Declaration of Restrictions entitled "Use Restrictions and Covenants."

Usage of Recreational Facilities

The following rules are meant to benefit all Via Verde Estates residents and provide them with the opportunity to use the facilities. To assure that equal use of the facilities is made available, Via Verde Estates members, authorized tenants, and guests must comply with these published rules approved by the Board of Directors. The clubhouse cannot be used for commercial purposes.

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I. CLUBHOUSE -- A SMOKE FREE FACILITY

- A. There is no restriction on available hours to access the clubhouse. The office is alarmed and locked except during posted office hours.
- B. Smoking is prohibited anywhere inside the clubhouse, the pool area, and within 15 feet of all entrances.
- C. All guests of the clubhouse, pool, or spa must be accompanied by a Via Verde Estates resident.
- D. Furniture shall not be borrowed or removed from the premises.
- E. When finished using the clubhouse, all lights, except the two pool-side window lamps, must be turned off and doors and windows locked when leaving. During the night, leave all clubhouse blinds open (for security reasons).
- F. If the air conditioning or heating is used, members must make sure that windows and doors are kept closed. If needed, adjustments to the thermostats may be made, however, make sure air conditioning/heating is turned off when you leave.
- G. Posting items on the bulletin board must be cleared with the office manager.
- H. Members wishing to use the clubhouse for their special occasions shall make reservations at least 30 days in advance. However, the clubhouse reservationist may authorize reservations on an emergency basis providing the request complies with all other Via Verde Estates Rules & Regulations and does not conflict with previously scheduled usage. Residents who rent the clubhouse for private parties are required to show proof of Event Insurance which they can purchase from their homeowners insurance company.
 - 1. Members' reservations for exclusive use are limited to the social hall, kitchen, restrooms, pool, spa, and outside barbeque.
 - 2. Members reserving facilities will be required to sign a "Hold Harmless Agreement" absolving Via Verde Estates from all liability for any accident or injury sustained to themselves or their guests and including a promise to pay for losses and damages. A signed "check list" for cleanup and closing of facilities will also be required from the hosting member.

3. A \$100.00 advance deposit is required when a reservation is made. A \$100.00 rental fee is due 30 days prior to the event. This is retained to cover utilities and other expenses. If the premises are left in the same, clean condition as found, the \$100.00 deposit will be returned. If the event is cancelled within the week prior to the event, a \$25.00 fee will be retained.
4. Clubhouse reservations are for one day only. Hours of usage shall be determined by the clubhouse reservationist. However, the clubhouse must be vacated by 10:00 p.m.
5. Members reserving the clubhouse wishing to decorate the facility on the morning of their event may do so, but may not close the clubhouse to other members until their event begins.
6. With the board approval, members may invite as their guests, an outside group or organization. The sponsoring owner/member shall be responsible for group behavior and any damages, and must remain on the premises for the entire length of the event.
7. Reservations are "first come, first serve." A check is required for deposit.
8. The clubhouse, barbeque, pool, and spa are available to all residents for their use, unless there is a prior reservation for that day.
9. Members or approved groups under member supervision reserving the clubhouse for private parties or just get-togethers may not use any of the kitchen supplies.
10. Via Verde Estates Social Club (if active) shall have priority regarding clubhouse reservations.
11. Members and their families are encouraged to use the clubhouse for a member's memorial service. If the member has previously moved away but still owns the property, there will be no charge for using the facilities.
12. Only licensed service dogs are allowed in the clubhouse or pool area.

II. BILLIARD AND EXERCISE ROOM

- Due to liability, exercise equipment is for members only with no exceptions. Billiard table may be used by guests with member present.

III. SWIMMING POOL AND SPA -- THIS IS A SMOKE FREE AREA.

- A. Members and their guests may use the swimming pool between the hours of 8:00 a.m. and 10:00 p.m. unless there is a prior reservation for private party use.
1. A shower before entering the pool or spa is required. No soap, bath oils, tanning products, or additives are permitted in the pool or spa as they clog the filters.
 2. Pool is heated by solar May through November. The spa is heated year-round.
 3. No glass and/or china shall be taken into the pool/spa area.
 4. Use trash containers provided to help keep the pool area clean.
 5. Wet swimsuits are not allowed in the clubhouse. Enter bathrooms through spa room.
 6. All persons using the pool or spa must wear swim wear.
 7. No diapered or incontinent person is allowed in the swimming pool or spa. Babies wearing swim diapers are allowed.
 8. Children under the age of 14 are prohibited from using the pool or spa without an adult in attendance.
 9. No animals are allowed in the pool or spa.
- B. Via Verde Estates does not provide lifeguard supervision. All persons using the pool and spa do so at their own risk. Via Verde Estates, Inc., assumes no responsibility for injuries caused by violations of these rules.
1. Members are responsible for the actions of their guests, and all persons must abide by the state and county rules as shown on required posted signs.
 2. A Via Verde member must be present at all times when guests are in the pool, spa, or pool/spa area. The only exception is for contractors and service providers.
 3. Running, horseplay, diving, jumping, or cannon balling is prohibited.

- C. Via Verde Estates strongly recommends a minimal stay in the spa. Please read and follow the posted health warnings and spa rules. County of San Diego Department of Environmental Health regulations state that unsupervised use by children under the age of 14 is prohibited.

- D. NOTE: The swimming pool and spa are classified as commercial and are inspected by the health department. Some use restrictions are to conform to safety requirements, e.g., smaller individuals are not allowed in the spa because their size and limited body fat is believed insufficient to protect their kidneys from damage by the hot water. A limitation on the number of minutes in the spa is recommended for those with heart or circulatory problems. Please check with your doctor.

IV. STREETS AND PARKING

- A. THE SPEED LIMIT IS 15 MPH. Members, guests, and service people must observe the speed limit and ALL STOP SIGNS. The "**rules of the road**" apply to all vehicles.

- B. Dirt-bike type motorcycles, mopeds, two-wheeled scooters, tricycles, skateboards, and roller-skating are prohibited. Adult scooters, adult tricycles and motorized adult bicycles are allowed. Motorcycles designed exclusively for street use may be ridden quietly within the streets of Via Verde.

- C. Playing games in the streets is prohibited.

- D. Pedestrians always have the right of way. For safety purposes, it is recommended that pedestrians walk facing traffic.

- E. Overnight street parking is prohibited. Residents must park their vehicles in their own garage/carport and if necessary, in their driveway. Daytime street parking is permissible but not within 15 feet of any fire hydrant and stop sign. U.S. Postal service regulations require customers to keep the approach to their mailboxes cleared of vehicles and other objects, or mail cannot be delivered.

- F. Guest parking that cannot be accommodated on their host's property is permitted temporarily in the guest parking area at the east side of the clubhouse. Cars parked overnight by the clubhouse should be tagged with the member's lot number permitting contact if needed. Parking beyond ten days requires Board approval.

- G. On-street parking of members' recreational vehicles, boats, or utility trailers is permitted for not more than two days allowing sufficient time for loading or unloading. This includes any type of vehicle that is needed for loading or unloading purposes.
- H. Parking on the street in acceptable areas is limited in many areas of Via Verde, therefore any on-street parking needs to take into consideration the neighbors, fire hydrants, driveways, and the safety of motorists and pedestrians. Your garage, driveway, and east side clubhouse parking spaces are to be considered first for your own vehicles.
- I. All vehicles parked on streets must be with the direction of traffic.
- J. There is no parking within 15 feet of stop signs and street corners.

V. GUTTERS, CURBS, AND BROW DITCHES

- A. Members are required to clean their own curbs and street gutters weekly, and to keep adjacent areas clear of debris.
- B. Members shall not hose down nor blow debris to their neighbor's property.
- C. Physical maintenance of brow ditches is provided by Via Verde Estates.

VI. PETS

- A. No more than two usual and ordinary domestic house pets are permitted per household.
- B. Pets, including cats, must be on a leash at all times when not on its owner's property. Pets are not allowed on other members' properties without permission. Those walking their pet should have a "pooper scooper" device for use as required. Pet owners are required to dispose of all debris left by their pets and must keep pet "debris" cleaned up on their own property.
- C. Pets are not allowed in the clubhouse (except licensed service dogs).

VII. COMMON AREA

- A. Expense incurred or damage caused by a member or their guests, affecting any part of the common area, shall be paid by the member. Members are responsible for any disturbance caused by their guests.
- B. Modifications or additions to common areas are prohibited unless the Via Verde Estates Board of Directors has granted permission in writing.

VIII. FURNITURE FOR OUTDOOR USE

- Furniture for use on open porches or patio areas must be outdoor type. Indoor furniture such as sofas, chairs, tables, etc. are prohibited.

IX. TRASH

- A. Containers required for recyclable, non-recyclable, and "clean greens" trash are provided by the City of Escondido. Trash containers must be stored so as not to be obvious from the street.
- B. Trash containers should not be at the curb before 4:00 p.m. on the day prior to pick-up. Containers should be removed before end of day of collection.
- C. Members must keep their property looking clean and orderly. Do not leave any trash or food outside that would attract unwanted animals.

X. ARCHITECTURAL STANDARDS

- A. All major changes to property, including but not limited to construction of retaining wall, patio covers, gazebos, storage shed, fences, and sundry outbuildings together with significant alterations to landscaping must be approved by the Via Verde Estates Architectural Review Committee, and if necessary, by the City of Escondido.
- B. Removal and/or replacement of any street-side tree must have architectural committee approval.
- C. Tree removal, replacement, and trimming are at owner's expense.
- D. Yard decorations of any kind, with the exception of temporary holiday decorations, must be approved by the architectural committee. All decorative items must be tasteful and reasonable in size, and will be judged on their individual merits. In the event an application is denied, the resident has the right to submit an appeal form to the Via Verde Estates Board of Directors.
- E. All holiday displays must be removed one week following the event.
- F. All "For Sale" signs/signposts must be removed from the property by the seller or sales representative no later than one week after close of escrow.
- H. All signs advertising an event such as garage or estate sales must be removed at the end of the event.

- I. In accordance with City of Escondido Signage Code 33-1397, all political signs "may not be displayed in excess of a period of time from 30 days prior to an election to 10 days following the election."
- J. Garage doors are to remain closed when unoccupied. To allow for ventilation, the door may be opened a maximum of 12 inches.
- K. Clotheslines shall be placed in back yards so as not to be seen from their front street. No items are to be hung over fences or rails.

XI. NOISE AND CURFEW

- In San Diego County, as well as in Via Verde Estates, the noise curfew runs from 10:00 p.m. to 8:00 a.m. Radios, TV, musical instruments, party activities, barking dogs, car horn blowing, extended warm-up of engines, use of power tools, etc. must be limited at all times to a level that does not disturb other residents.

XII. SOLICITORS

- Solicitors, vendors, peddlers, etc. are not permitted in Via Verde Estates. If approached, advise them to leave Via Verde Estates, or if necessary, contact a board member immediately.

XIII. GARAGE, ESTATE, AND MOVING SALES

- A. Request forms for all sales must be filled out and submitted to the office for approval.
- B. Garage sales are limited to two per calendar year per lot, and may not exceed three consecutive days. All signs must be removed at the end of the event.
- C. Estate or moving sales must be limited to five consecutive days. All signs must be removed at the end of each day.
- D. Goods displayed for sale must be contained on the owner's property. Any other displays must have board approval.

XIV. MAILBOXES AND POSTS

- Care and replacement of mailboxes and supporting posts are the responsibility of the owner/resident. Installation, repairs, and replacements must adhere to the following specifications:
 - A. Posts will be 4" X 4" pressure treated lumber set in concrete using paint/stain furnished by the association.

- B. Supporting wood
 - 1. Cross braces (angular support) on a two-box post will be 2" X 6" pressure treated, using paint/stain furnished by the association.
 - 2. All wood directly attached to mailboxes will be 2" X 8", pressure treated, cut to size, and using paint/stain furnished by the association.
- C. All mailboxes will be rural type, aluminum or galvanized steel, with a black enamel finish and have an attached red flag. Black security boxes are acceptable. This applies when mailboxes need to be replaced.
- D. The height to the top of the mailboxes will be 45" ± 1" as measured from the curb-side edge of the drainage ditch.
 - 1. For posts bearing a single mailbox, the height of the post should be 36.5" above the curb-side edge of the drainage ditch.
 - 2. For posts bearing two mailboxes, the height of the post should be 35" above the curb-side edge of the drainage ditch.
- E. Clips for attaching Via Verde correspondence and personal notes will be attached to the side of the mailbox post. Removal of this clip is not recommended.
- F. Any deviation of the above must be approved by the board.

XV. HOME BUSINESSES

- A. Approval for home-based business is required from the board.
- B. Excessive vehicle traffic for home business is prohibited.

XVI. SCHEDULE OF FEES AND FINES

- A. Fees: Monthly HOA fee, late payment fee and replacement key fee are included in the most current Schedule of Fees and Fines adopted by the Board.
- B. Fines: Fines for violation of the Via Verde Estates Rules and Regulations shall be levied in accordance with the most current Schedule of Fees and Fines adopted by the Board.
- C. A copy of the Schedule of Fees and Fines will be provided to new residents, distributed the membership when updated and available from the Office Manager upon request.

XVII. To avoid potential problems, if you are in question on storage, making changes, additions, etc. to your property, please contact the Via Verde Estates Governing Board of Directors.

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