

**43@RACQUET CLUB
HOMEOWNERS ASSOCIATION**

Rules and Regulations

1. Parking

- 1.1 Vehicles are to be parked in garages of owners or on the outside driveway of such owner's home if the driveway is of sufficient length to accommodate such vehicles and that no portion of any parked vehicle shall extend beyond or onto the apron/curb to the driveway of such owner's home.
- 1.2 To the extent driveway parking is allowed per above, vehicles are to be parked head-in and straight-forward in driveways and not an angle.
- 1.3 The parking spaces inside the gate located around the park area are intended for guest parking spaces and homeowners should limit their use of these spaces.
- 1.4 Boats, trailers, campers, large trucks, RVs and similar vehicles may not be parked in driveways, garages or guest parking.
- 1.5 No parking is permitted in any manner that blocks driveway access to garages or trash containers.
- 1.6 No parking is permitted on the sides of internal roadways as these roadways function as fire lanes. Exception: Temporary parking shall be permitted for HOA landscaper and vender loading and unloading, where in all cases the driver must be present and available to move their vehicle in the event of an emergency.
- 1.7 Owners/Tenants will be responsible for damage caused by such parties or their guests.
- 1.8 Major auto repair is not allowed in any garage or parking areas of the complex.

2. Storage in Common Areas

No homeowner items may be stored in any portion of the common areas.

3. Window Coverings

Windows may only be covered by blinds, drapes or shades and may not be painted or covered by foil, cardboard, or other similar materials.

4. Balconies & Walkways

- 4.1 Plants are not permitted on balconies that extend over another owner's property, including balcony railings.
- 4.2 No Owner shall place any items on common area walkways, including but not limited to, plants, garden statuary, or similar items.
- 4.3 Television antennae or satellite dishes may not be placed on balconies or roofs, except as per paragraph 13.
- 4.4 Owner/Tenant may not place items on any balcony area that are visible from the common area other than chairs, tables and umbrellas. Any covers for balcony furniture need to be neutral in color/tone (e.g. beige or tan).

5. Security

- 5.1 This is gated community. Access is limited to use by a gate key or key pad code located at the vehicle entrance gate.

- 5.2 Under no circumstances is any gate to be propped open, climbed over or forced open to allow access.
- 5.3 Owner/Tenant or their guests will be fined or charged to repair damage to any gate when it is observed that they have violated the above rules.
- 5.4 The Homeowners Association is not responsible for lost or missing articles. Tenants are urged to purchase personal property insurance.

6. Damage

Damage to the common areas due to negligence of the owner/tenant or their guests will be charged to the owner/tenant who is responsible.

7. Noise

Loud talking, unnecessary noise, or boisterous conduct is prohibited at all times. Radio, TV's, stereos, vocal or instrumental music must be controlled at all times, especially between the hours of **10:00 P.M.** and **9:00 A.M.** Sub-woofers and similar sound amplification devices must be kept at a sufficient distance from shared walls to prevent sound transmission to the adjoining residence.

8. Children

Parents and/or guardians are expected to supervise children in the complex at all times.

9. Pets

- 9.1 All pets should be under direct supervision of the owner and should not be allowed to run free within the complex.
- 9.2 Owners are responsible for picking up after their pets and will be charged for any damage caused by their pets.
- 9.3 Homeowners shall prevent excessive barking from their dogs.

10. Guests/Tenants

Owners are responsible for the actions of their guests and tenants, including proper parking and gate access. Tenants are responsible for the actions of their guests.

11. Rental rules (See Attached Document - Exhibit A)

12. Trash

- 12.1 All trash is to be placed in bins, and no trash is to be placed outside of bins.
- 12.2 All recyclable materials, including without limitation cardboard boxes, are to be broken down and placed into the recycle bin.
- 12.3 Any large quantity of recyclables, outside of ordinary and regular homeowner/tenant items (e.g. a large quantity of boxes from a move) should not be placed in the bin. For such recyclables outside of the homeowners/tenants ordinary and regular use, they should be brought to offsite recycle

centers where they may be disposed of properly. Palm Springs Disposal Services offers offsite locations for recyclable disposal and may be contacted for more information on such locations at (760) 327-1351.

13. Satellite Dish Installation

- 13.1 Each homeowner designing to place a satellite dish on a home must submit an architectural request form to the architectural committee for HOA Board approval.
- 13.2 The requirements and conditions for approval of any such application shall include the following:
- (a) All satellite dishes must be placed on the roof within the walled area of the air conditioning/heating unit of each home. Visibility of such dish equipment must be obscured as much as possible;
 - (b) All cables and wiring must be attached securely to the wall of the home and run directly from roof to cable/utility box. All cables and wiring must be painted to match the stucco color of the home per the color architectural guidelines of the HOA.
 - (c) The homeowner must submit a diagram of the proposed dish and cable installation as part of the architectural approval request.

14. Solar Panel Installation (See Attached Document – Exhibit B)

15. Lighting – Home Outdoor

- 15.1 Exterior Lights on the rear of each home (i.e. 3 recessed can lights above the rear doors and 3 above the rear window) shall conform to the following light bulb specifications:
- (a) Incandescent bulbs – PAR 38 Halogen, Outdoor Flood, (WARM WHITE) maximum 150W;
 - (b) LED bulbs – PAR 38 LED Outdoor Flood, Dimmable (SOFT WHITE/WARM WHITE) 2700K ONLY, maximum 120W LED Equivalent (18W).
- 15.2 Exterior Lights on the front of each home (i.e. the 2 recessed can lights over garage) shall be maintained by the HOA.

16. Architectural Approval

As required under our CC&Rs, written approval by the HOA architectural committee and HOA Board is required for modification to homes, including all exterior changes, including but not limited to, satellite dish installation, solar panel installation, security cameras, and painting of any exterior of a home. Please review any requirements relating to the above on the HOA website member's page, www.43racquetclubhoa.com for required documentation and relevant information. Modifications to the exterior of a home without HOA Board approval is a violation of the CC&Rs. Any exterior modification action taken by homeowner without written approval by the HOA Architectural Committee and the HOA

Board shall result in a fine of up to **\$1,000** as the HOA Board shall determine. Such CC&R violation(s) may also subject homeowner to additional fines and potential requirement of restoration of original condition in the event an application to the HOA architectural committee is ultimately rejected by the HOA Board.

EXHIBIT A

Rental Rules (Restatement of Section 11. of the Association's CC&Rs)

- A. For the purpose of these Rental Rules, a tenant shall be defined as anyone in possession of an Owner's Residential Lot in exchange for any sort of consideration.
- B. All lease/rental agreements for any Residential Lot within the Property shall be in writing and shall contain a provision binding the tenant(s) to the terms and conditions contained in the Association's governing documents, including without limitation these Rental Rules, and shall provide that failure to comply with the requirements of the governing documents shall constitute a default under the lease which may be cured by eviction of the tenant either by the Owner or the Association;
- C. A least seven (7) days in advance of the move-in date, Owners shall be required to:
 - (i) Notify the Board of Directors of the intent to lease the Residential Lot, including length of lease, names and telephone numbers of the occupants of the rented/leased Residential Lot, relationship to one another, number of occupants, and automobile information;
 - (ii) Provide each tenant a copy of the governing documents. (Copies may be obtained from management for this purpose); and
 - (iii) Notify the Association of the address and telephone number where such Owner can be reached.
- D. All leases must be for the entire Residential Lot and not merely parts thereof, unless the Owner remains in occupancy.
- E. No Residential Lot may be advertised and/or leased for a period of less than thirty (30) consecutive days (hereinafter, "Minimum Rental Period"). For purposes of this Rule, advertising shall include, but not limited to, offerings in any magazine, newspaper, internet, website, email, flyer, radio ad and/or any other form of offering. In accordance with Civil Code Section 4740, nothing contained in the Associations' governing documents shall be construed to "...prohibit the rental or leasing..." of any Residential Lot but, rather, merely requires such rental or leasing comply with the Minimum Rental Period defined herein.
- F. Any Owner's failure to comply with these Rental Rules may result in the Association's levy of costs incurred by the Association, if any, as well as a monetary fine up to the amounts provided in the Association's Enforcement Procedure (see Table 3 – Compliance Assessments for Violation of the Minimum Rental Period Requirements (i.e. leasing and/or advertising)). Additionally, any Owner who continues to advertise the Residential Lot for lease for less than the Minimum Rental Period (in violation of a previously issued ruling finding Owner in violation of Section 11.E above), may be subject to a second ruling (after notice and hearing) that such advertising is deemed a continuous violation, resulting in possible suspension of common area privileges and daily fines from the date of the first notice of violation until the violation is cured.
- G. The Association and each Owner shall have a right of action directly against any tenant/occupant for any breach of any provisions of the governing documents; however, by renting out his or her Residential Lot,

Owner indemnifies the Association and all of its agents and successors for any and all liabilities that arise from the activities of tenant/occupant.

- H. These Rental Rules shall supersede any previously adopted rules and regulations that may be inconsistent with the terms contained herein.

EXHIBIT B

Solar Panel Installation Policy

It is the policy of the State of California to promote and encourage the use of solar energy systems. Within this general policy framework the Association is permitted to adopt and enforce reasonable restrictions on installation of solar energy systems within the Association. This policy is intended to provide guidance to owners who desire to install and maintain a solar energy system within the Association.

The Association's Declaration of Covenants, Conditions, Restrictions and Reservation of Easements ("Declaration"), Article VII, Section 7.04(b), requires prior, written approval of any proposed Improvements or modification of Improvements within the community. This includes installation of any solar energy system on any Residential Lot.

The following are the components to a solar energy system:

- (a) Roof top panels
 - (b) Inverter
 - (c) Sub box
 - (d) Conduit for the electrical lines.
1. Plans for any proposed solar energy system must be submitted to the Architectural Committee and/or Board of Directors as required by the Declaration, Article VII and the Association's Architectural Guidelines. The application must be submitted in the same manner as described in these documents.
 2. An architectural application for installation of a proposed solar energy system will be reviewed for compliance with the requirements of the Association's Governing Documents, these regulations and California law. Review must also include an in-person example/mock-up of location and positioning of roof top solar panels by the solar contractor with a member of the Architectural Committee to confirm panels will be installed flat and away from roof edge as practicable, in order to limit the visual impact of the installation when viewed from the HOA common areas.
 3. The Association reserves the right to hire an independent solar energy consultant to review a proposed installation and to propose modifications to bring the proposed installation into compliance with the Governing Documents. Assuming that the modification are consistent with the language of Civil Code Section 714 and/or 714.1, the Association may condition approval of the application on these changes being made as provided for in the Declaration, Article VII, Section 7.04(d).
 4. Pursuant to the Declaration, Article VII, Section 7.04, no solar energy system may be installed without prior, written consent of the Architectural Committee and/or Board of Directors.
 5. The approval or denial of an application will be made in writing. If an application is not denied in writing within 45 days from the date of receipt of the application, the application will be deemed approved unless the delay is the result of a reasonable request for additional information by the Association.
 6. Owner is responsible for compliance with any and all laws, rules or regulations regarding the installation of a solar energy system and must fulfill all of such requirements prior to the installation of a solar energy system. The Association, the Board of Directors or the Architectural Committee shall not be responsible for

non-compliance with any required law or code for items installed by an Owner pursuant to the required architectural approval.

7. Any proposed solar energy system must meet any and all applicable health and safety standards and requirements imposed by state or local permitting authorities consistent with Section 65850.5 of the Government Code.
8. A solar energy system for heating water shall be certified by an accredited listing agency as defined in the Plumbing and Mechanical Codes. The certification shall be for the entire solar energy system and installation.
9. A solar energy system for production electricity shall also meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.
10. Any proposed solar energy system must be strictly contained to within roof outline of the residence for which it is intended to service. In other words, solar energy systems may not extend beyond the roofline and/or overhang any portion of the roof or residence. No solar energy system may be installed or proposed on the roof of or over another residence.
11. Proposed solar energy systems should be designed so that they are concealed from view from the common areas of the Association. Without limitation of the foregoing, solar panels shall be installed in order to be the least visible looking up from the ground level.
12. All conduits should be concealed inside the walls and inverters, switches, batteries, meters and other equipment required for a solar energy system, must be placed inside the garage. The conduit running from the roof top panels down to the ceiling level of the garage area is to be placed inside a wall so as not to be visible.
13. While installation of the conduit shall be done per paragraph 12 above, other components of the solar energy system cannot be installed or affixed to the exterior walls of a residence or any other structure on a Residential Lot. The only visible indication of this system should be a small sub panel (12"x6"x4") mounted next to the electrical meter (which will be installed by Southern California Edison).
14. The homeowner is required to submit a diagram for the proposed installation as part of the architectural approval request.
15. Upon installation, if necessary to access an adjoining home, you will need to obtain the neighbor's permission prior to entering property.