

# **OCEAN PALMS HOMEOWNERS' ASSOCIATION**

## **OPERATING RULES**

### **INTRODUCTION:**

These Rules and Regulations are not intended to supersede the Declaration of Covenant, Conditions and Restrictions (CC&Rs). The rules adopted are mandatory for all residents to abide by. Please familiarize members of your household and guests with these rules. Also, homeowners who lease their condominium will provide tenants with a copy of the rules and regulations. Your full support and cooperation is appreciated.

Additional or similar information is contained in: ARTICLE VIII FURTHER CONDITIONS OF OWNERSHIP.

### **GENERAL RULES:**

Ocean Palms property, facilities and equipment are restricted to homeowners and residents of Ocean Palms and their guests only. Soliciting is not allowed.

We encourage everyone to authorize electronic or email delivery if possible for association business in lieu of mail or doorstep delivery to minimize the amount of copies needed to be distributed and the cost of paper and ink. If you would like to receive association notices by email, please send a written request to the association's management company authorizing delivery of notices to your email address.

Break down boxes and dispose of them in the recycle bin located in the garage.

Never leave water running unnecessarily. A dripping faucet or running toilet will waste water and money.

### **FRONT DOOR ENTRY:**

Never blindly let anyone inside the complex whom you do not know. Many times, would-be thieves pose as delivery or salespersons to get inside the complex.

Do not buzz anyone in the front door that you do not know or have not invited. We are all responsible for our security.

The front entry door phone is for all residents to allow entry when called. Press #9 after you are called to buzz your visitor in. Owners/Residents can request from the Board any one (1) phone number to be added to the entry panel, however due to long distance costs, only 562 area code numbers are allowed.

IMPORTANT! Propping open the front door is prohibited as it will ruin the door mechanism. All moving of household goods or large items in or out MUST be done through the garage and elevator.

## **NOISE LEVELS:**

Please be courteous to your neighbors and keep noise levels to a minimum. Be aware that conversations echo in common area walkways and spa which can be heard by those living around the area. Also, within your unit, loud stereos and heavy walking can be heard by your neighbors above and below.

### Quiet Hours:

10:00 p.m. – 9:00 a.m Sunday thru Thursday

And after 12:00 a.m. – Friday thru Saturday

Loud and disruptive parties will not be tolerated at any time within the complex.

These facilities are intended for the enjoyment of all and must be used in a manner that will not disturb other residents. Boisterous talk or other disturbing noises are prohibited. All entertainment devices must be turned low so as not to disturb your neighbors. No running or boisterous play is permitted.

## **SAFETY:**

If you witness a crime inside or outside the complex, call 911 immediately. If using a cell phone call the Long Beach Police Department directly @ 435-6511.

In case of a fire in the dumpster in the garage, call 911 immediately. The sprinkler control valve on the 4<sup>th</sup> floor trash room can be used. The valve will activate the sprinkler in the chute and the two sprinklers in the garage trash room to extinguish the fire. The doors to the chute on each floor are fire proof. Once the fire is extinguished, the valve can be turned off.

The fire hoses on each floor are for the Fire Department's use and cannot be used by residents.

## **ARCHITECTURAL GUIDELINES:**

No windows shall be covered with aluminum foil, newspaper, sheets or similar materials. Curtains, drapes shutters, and blinds are acceptable as window coverings. Window tinting and exterior shades must be approved by the Board of Directors. Shades, shutters or window coverings must be well maintained.

If you wish to install a screen door on your unit or change your existing screen door, you must choose a door of similar appearance to existing doors and present a picture, brochure or website to the Board of Directors for approval prior to installation.

When a unit is vacated, owners must remove any unnecessary satellite dishes and associated wiring.

Plants owned by homeowners must be maintained on a regular basis and placed on drainage saucers to eliminate damage to the structure. Personal plants may not be placed anywhere in the common area without approval of the Board of Directors. If plants or furniture are placed on balcony floors or any wooden areas, they should be moved every 2 – 3 months to avoid potential damage to the wood or structure.

## **LEASE/RENTAL RULES:**

All homeowners who lease or rent their units are required to provide the Board of Directors and management company with the names and contact information of all persons living in their unit including a written statement by the tenant acknowledging receipt of the Operating Rules and Governing Documents and their intent to abide by such rules and regulations.

## **FOR SALE, FOR LEASE AND FOR RENT SIGNS:**

Signs: a) Exterior “For Sale” or “For Lease”, signs must be displayed on the permanent white sign post located outside.

b) The signs may be no larger than 16” x 12”

## **WATER SHUT-OFF:**

For plumbing repairs, two (2) days’ advance notice to your affected neighbors and the association is required prior to turning off the water, unless it is an emergency. Water is shut off by stack, for example: 201, 301, and 401, so notification is only required to residents in your stack. If you have questions, please contact the association.

## **CONTRACTORS/REMODELING WORK:**

### **Hours of work are as follows:**

9:00 AM – 5:00 PM Mon – Fri

10:00 AM – 4:00 PM Sat or Sun

Work on Sundays is allowed only if one’s religious beliefs prevent working on Saturdays.

Proper supervision of contractors is required when any remodeling work is being accomplished. All materials must be hauled away by the contractor. Owners must ensure that all materials are removed from the premises and not dumped into our trash container. When necessary, a protective cover will be placed on walkways to protect the common area from being soiled or damaged. Owners must ensure that the common area is cleaned up at the end of the day.

## **COMMON AREA:**

Homeowners must accompany their guests within the complex as they are responsible and liable for their actions.

No littering in the elevators or common area. If you drop or spill anything, please clean it up immediately. Cigarette butts are not to be disposed of in the planters or anywhere on association property except in an appropriate container for such purpose.

Any personal property left in the common area WILL be removed at the owner's expense.

Furniture outside the unit and in the common area is prohibited, unless approved by the Board of Directors.

Propping open common area doors or gates is prohibited.

Children under the age of 14 shall not use pool without a parent or adult guardian in attendance.

Owner will be present at all times when their guest(s) are in the Jacuzzi area.

No bicycles, skateboards, or other human-powered wheeled vehicles are allowed in the common area sidewalks and walkways.

## **GUEST PARKING:**

Owners will be issued guest parking placards for their guests/visitors. Guests staying two (2) hours or more will be given a guest parking placard to place on the driver's side dashboard. The placard must be displayed in a manner so the unit number is visible. Vehicles that do not display a placard are subject to towing. Owners will be charged \$7.50 to replace lost placards.

Contact the Board of Directors if a guest will need to park in our visitor parking for more than three days. With only four guest parking places, parking needs to be available for guests at all times. Visitor parking is for guests only except for street sweeping days on Wednesday and Thursday between 8:00 AM – Noon.

## **GARAGE PARKING:**

Speed limit in garage is 5 mph.

Homeowners/residents must park in assigned spaces only and vehicles must be contained completely within owner's space. Vehicles may not extend outside the space solely for the vehicle owners convenience. Vehicles longer than the space must be parked as far into the space as possible.

Parking spaces are not to be used for storage of any kind (i.e. car batteries, boxes, furniture, etc.) Nothing is to be stored on the floor or outside of the storage area. Parking spaces must be kept clean and free of debris.

It is the responsibility of each owner to prevent their vehicle from fouling the garage by leaking fluids, exhaust, or any other general nuisance, including noise.

No major automotive repairs or washing of vehicles is permitted in the garage.

It is the responsibility of residents to assure vehicles are locked and protected. The OPHOA is not liable for any damage, vandalism or loss of any items in the garage bicycle or storage rooms. Garage gate openers are not to be left in vehicles unless built into the vehicle. Owners whose GARAGE GATE OPENERS are stolen will be ISSUED A NOTICE OF INTENT TO FINE.

Ensure that your garage gate remotes are in good working order (no loose parts, fresh battery, no visible cracks).

There are two distinct pads on the floor of the garage on either side of the gate. The purpose of these pads is to prevent the garage gate from closing on your vehicle. However, it is recommended that if the gate is closing as you approach it, you should allow the gate to close completely and then hit the button on your remote Genie. Owners, tenants and guests are responsible for any damage caused to the gate or vehicles UNLESS THE GATE MALFUNCTIONS.

When leaving or entering the garage, please wait for the gate to close behind you before proceeding. This will help ensure the safety and security of our property.

Make sure that no person or vehicle is in your path when operating your remote for the garage gate. Do not open the gate until it is in your full view.

Caution must be exercised when parking vehicles in the guest parking nearest the gate.

## **GARAGE STORAGE UNITS:**

Storage of gasoline and other volatile fluids is strictly prohibited anywhere within the development, including, but not limited to storage areas.

Never store valuable or perishable property in your storage unit.

Please be aware that perimeter storage units could be susceptible to water leaks. HOMEOWNERS WHO WISH, MAY WATERPROOF THE INTERIOR OF THEIR RESPECTIVE UNITS.

Homeowners are responsible for the security, damage and maintenance of their storage unit. The association accepts no responsibility for damage or stolen items.

In an emergency, the Board of Directors may access a storage unit if an owner or resident is not available. In this case, the association will be liable for security and will lock the box as necessary when complete.

## **3<sup>RD</sup> AND 4<sup>TH</sup> FLOOR STORAGE ROOMS:**

These rooms are for owners/residents to store additional items as necessary. It is important that everyone has an equal opportunity to store items in these rooms if they choose to do so. All items

must be identified by unit number in order to determine ownership. Unidentified items may be discarded.

## **BICYCLE STORAGE SHELVES:**

These shelves were added to provide additional storage to owners who have only one storage unit above their parking space. The shelves have been marked and measured in an attempt to provide equal storage space. Space is identified by unit number. Those units not wishing to use their allocated space may allow another resident to utilize their space as long as they are currently residing in that unit. If and when there is an additional space available, it will be awarded to an owner by lottery. The Board of Directors will notify all owners who wish to use that space of the date and time of the drawing.

## **BALCONIES:**

Balconies are the responsibility of the homeowner to maintain. Owners are required to regularly maintain the deck surface to eliminate the possibility of structural damage **FOLLOWING THE MANUFACTURERS GUIDELINES POSTED ON THE ASSOCIATIONS WEBSITE.**

Balcony railings are the responsibility of each owner **TO MAINTAIN.** Painting the railing would be handled by the association only when completely repainting the building.

The only items allowed on balconies are outdoor furniture, flowers and plants in pots with drain saucers underneath. Clothing, towels or rugs may not be placed over the balcony railing. Balconies are not to be used for storage.

No indoor/outdoor carpeting or floor covering of any kind is allowed on balconies. Small mats outside at the entrance is acceptable.

Propane barbecues may be placed on the balcony as directed by the fire department ensuring that any smoke or barbecue smells are acceptable to residents. Charcoal barbecues are not allowed on balconies. In a condominium environment such as ours, sometimes an indoor cooking grill is preferred although it is understood that nothing can compare to a properly grilled steak. For your convenience, the Association has an excellent BBQ down by the jacuzzi.

## **JACUZZI AREA:**

The SPA area is available for use from:

Sunday thru Thursday: 9:00 a.m. to 10:00 p.m.  
Friday thru Saturday: 9:00 a.m. to 11:00 p.m.

The SPA area is to be used in such a manner as not to disturb nearby residents. Remember that voices echo and can be heard by your neighbors. Loud or unnecessary noise is prohibited.

Owners must be present in the Jacuzzi area at all times when their guests are using the Jacuzzi.

Unsupervised use of the Jacuzzi by children under the age of 14 is prohibited.

No persons in diapers or swim diapers are allowed in pool or spa.

Always allow ample time (approximately 45 min. to an hour) after eating before using the Jacuzzi.

Turn up the Jacuzzi temperature 1 hour before using and turn back to the 1/2 mark when you are finished.

No bicycles, skateboards, or other wheeled vehicles are allowed in the SPA area.

No running, diving, horseplay or any other activity that is dangerous or disruptive may take place in the SPA area.

Absolutely no glass containers are allowed in the SPA area. Due to the high potential of injury from broken glass and the cost of draining the SPA, if an owner or the owner's guest is determined to have had glass in the SPA area, the owner WILL BE subject to a fine of up to \$100.00 after notice and a hearing.

All trash must be taken out of the SPA area when you are done using it.

Noise level should be kept to a minimum so as not to disturb residents.

Please remember to return all SPA furniture in its proper place before leaving.

The gate leading to the SPA area is required by law to be kept locked at all times. All residents must therefore be responsible to see that the gate is properly locked behind them after they have passed through.

Nothing except pool equipment and supplies and furniture covers shall be stored in the pool equipment enclosure. Other items found stored therein shall be disposed of as trash.

## **BBQ:**

The BBQ is for the use of all residents of the Association. Those using the BBQ are required to clean and cover it after use and to maintain the BBQ in good order.

It is very important to turn off the gas after use.

## **RULE VIOLATION REPORTING:**

1. When a problem or violation occurs, you SHOULD:

- a) First speak to the homeowner/resident allegedly committing the violation.

- b) Each homeowner has the responsibility to report any rule violation to the property management company and/or the Board of Directors. Do not wait for the association meeting to submit the complaint. Complaints should be in writing and include pertinent information such as: the violation, date, time, name and unit number of the person committing the violation. All complaints will be signed by the complaining party. The Board will review the report and consider what action should be taken, if any.
- c) As a citizen, you have the right to request the assistance of the Long Beach Police Department if the violation is criminal in nature. You may contact the LBPD at (562) 435-6711 or dial 911 in case of an emergency.
- d) **The Board of Directors is not a policing agent.**

## **PETS:**

Please refer to the CC&R's for pet restrictions.

## **COMMUNICATION PROTOCOL:**

Except for emergencies, please contact the Board of Directors through their email addresses posted on the association's website at OPHOA.net or you may contact the association's management company, Paragon Equities by calling (562) 494-4455 during business hours, Monday – Friday from 9:00 AM - 5:00 PM or by sending an email to [b\\_young@paragonequities.net](mailto:b_young@paragonequities.net). Emails may be sent at any time. Replies to phone calls and emails will be made during the week. For emergencies, please call Paragon Equities at (562) 494-4455. A resident emergency contact list is posted on the association's website.



## **ENFORCEMENT PROCEDURE:**

Any activity, instance or circumstance that is an alleged violation of the governing documents will generally be processed according to the procedures outlined herein.

In the event any member of the Association or Board of Directors files an Alleged Violation Report form with the Board, the following steps will be taken:

- Step No. 1.** Determine if the alleged violation has potential merit, and if so, proceed with Step No. 2.
- Step No. 2.** Send a Notice of Intent to Impose Discipline to the owner stating the nature of the alleged violation and the member's right to appear before the Board of Directors at a hearing in executive session on at least 10 days notice (or at least 15 days notice if the board is to consider the suspension of voting or other member rights) by first class mail or by personal delivery, before the imposition of a formal warning, a monetary fine and/or any other discipline.
- Step No. 3.** A hearing with the Board of Directors will be held, in executive session, so that the member may be heard, orally or in writing, and may present pertinent evidence, along with the testimony and evidence of interested persons.
- Step No. 4.** If the member is found to be in violation of the Association's governing documents, the Board may exercise any of the following options:
- (a) seek a remedy in the legal system, including, without limitation, the imposition of a lien and/or foreclosure on the member's property, where allowed by law;
  - (b) impose and assess monetary fine(s) against the member pursuant to the Fine Schedule;
  - (c) choose to correct (or cause to be corrected) the violation and assess the member for the costs and expenses of doing so, including attorneys fees; and/or
  - d) suspend the member's voting or other privileges, effective no sooner than five (5) days after the date of the hearing.
- Step No. 5.** The member will be notified as to any disciplinary action rendered by the Board of Directors within 15 days after such decision.

**NOTE:** The governing documents are defined as the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements (CC&R's), Bylaws, and the Rules and Regulations.



# NOTICE OF INTENTION TO IMPOSE DISCIPLINE:

To Member: \_\_\_\_\_

Please be advised that you are hereby given notice that the Board of Directors will hold a hearing on:

\_\_\_\_\_ (Date)  
\_\_\_\_\_ (Time)  
\_\_\_\_\_ (Place)  
\_\_\_\_\_

to consider the imposition of a formal warning or a monetary fine (see Fine Schedule) or other disciplinary measure against you concerning an alleged violation of the Association's governing documents, that is:

\_\_\_\_\_  
\_\_\_\_\_

You have the right to attend the hearing and be heard orally or in writing before the Board of Directors and to present any pertinent witnesses or evidence on your behalf.

The hearing will be held in executive session whether you are present or not and whether you contest the alleged violation or not.

Please acknowledge your receipt of this notice and indicate, by checking the box indicating whether you will contest the alleged violation or not.

Very truly yours,

BOARD OF DIRECTORS

I hereby acknowledge my receipt of this notice and:

will not oppose the alleged violation or

will oppose the alleged violation and

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

# PROCEDURE FOR MEMBER HEARING:

1. Statement of alleged violation(s) by acting chairperson.
  
3. Presentation of evidence.
  - (a) Each party will be entitled to make an opening statement, orally or in writing, starting with the complainant's case;
  - (b) Each party will be entitled to produce documentary evidence and testimony and to cross-examine the opposing party and the opposing party's witnesses;
  - (c) Each party will be entitled to make a closing statement, orally or in writing;
  - (d) Formal rules of evidence will not apply and all relevant evidence should be admitted, although hearsay evidence, by itself, will not be sufficient to support a finding;
  - (e) Any party will be permitted to waive the right to exercise his or her rights in any part of the hearing process, and the Board will be entitled to exercise its reasonable discretion in specifying the rules by which the hearing will be conducted, as long as the alleged violator is given an opportunity to confront and to cross-examine the evidence introduced by the opposing party and to be heard in his or her own defense.
  
4. Alleged violator, complainant and witnesses are excused.
  
5. Discussion and decision by the Board, or, that the matter will be taken under submission with a determination within 35 days after the hearing. Notice to member given within 15 days of the imposition of disciplinary action, if any.
  
6. Adjournment.

## DOCUMENTATION

Name of Member: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

Factual Findings on Issues: \_\_\_\_\_

\_\_\_\_\_

Board ruling on any discipline to be imposed: \_\_\_\_\_

\_\_\_\_\_

Additional Comments: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_

SIGNATURE OF CHAIRPERSON

## **FINE SCHEDULE:**

1. If a member does not oppose the alleged violation or if the result of the hearing is a decision that a violation of the governing documents existed, a fine of \$25.00 may be imposed for each separate violation of the governing documents, subject to the following:
  - (a) For violations which are not continuous, the member will be subject to a fine of \$25.00 for each violation.
  - (b) For continuous violations, whether architectural, or constituting a nuisance, or otherwise:
    - a. Each day of the continuing violation, whether consecutive or not, shall constitute a separate violation from the first day of the violation until remedied in full.
    - b. Continuous violations are subject to a fine of \$25.00 per day every day of the violation, whether consecutive or not, until the violation is remedied, subject to a maximum fine of \$775.00 per calendar month.
  - (c) Multiple violations, whether non-continuous or continuous, may be addressed in a single notice of violation to an owner and may be the subject of and heard at a single hearing.
2. If not prohibited by other governing documents and as allowed by law, at any point, the Board may choose to use the legal system or cause a correction of a violation to effect a remedy or cure, and the member may be assessed the costs and expenses incurred by the Association, including attorney's fees.
3. If a violation occurs which causes the Association to incur a financial obligation or expense, then the member responsible for the violation shall be assessed the amount of the obligation or expense incurred by the Association. For example, if a member damages any common property, the repair and replacement costs will be assessed to the member.
4. All reimbursement assessments may only be assessed following notice and a disciplinary hearing.