

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.

GENERAL RULES:

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

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

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.

No loud or disruptive parties may be held from:
10:00 p.m. – 9:00 a.m. Sunday thru Thursday
And after 12:00 a.m. – Friday thru Saturday

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

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.

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.

Break down boxes and dispose of them in the recycle bin in the garage.
Never leave water running unnecessarily. A dripping faucet or running toilet will waste water and money.

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.

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 on a balcony railing, by the front door or anywhere in the common area without approval of the Board of Directors.

All homeowners who lease their unit are required to provide the Board of Directors and management company with the names of all persons living in their unit including a written statement by the tenant acknowledging receipt of the rules and regulation and their intent to abide by such rules and regulations.

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"

c) No signs are allowed on balconies or unit windows.

If you wish to install a screen door on your unit, you must choose a door of similar appearance to existing doors and present a picture to the Architectural Committee for approval.

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. Radios must be turned low and no running or boisterous play is permitted.

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. No work on holidays.

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:

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 is prohibited, especially if it's in the common area.

Propping open common area doors or gates is prohibited, unless you intend to close them immediately.

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

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. Vehicles that do not display a placard are subject to towing. Owners will be charged \$7.50 to replace lost or forgotten placards.

Email the OPHOA 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, we need to be sure that parking is available for guests at all times.

GARAGE PARKING:

Speed limit in garage is 5 mph.

Homeowners/residents must park in assigned spaces only and vehicle must be contained completely within owner's space. Vehicle 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.

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 bicycle or storage rooms. Garage gate openers are not to be left in vehicles. Owners whose GARAGE GATE OPENERS are stolen will be ISSUED A NOTICE OF INTENT TO fine.

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 Genie. You're responsible for any damage caused to the gate and your vehicle 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

GARAGE STORAGE UNITS:

Storage of gasoline and other volatile fluids is strictly prohibited in any storage unit.

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 and maintenance of their unit. The association accepts no responsibility for damage or stolen items.

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. Plants, clothing, towels or rugs may not be placed over the balcony railing. Balconies are not to be used for storage.

No indoor outdoor carpeting is allowed on balconies. Small mats outside at the entrance is acceptable.

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. Barbecues can be placed in the area by the office. 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. The Association has an excellent BBQ down by the jaccuzzi.

JACUZZI AREA:

The SPA area is available for use from:

Sunday thru Thursday: 8:00 a.m. to 10:00 p.m.

Friday thru Saturday: 8:00 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 $\frac{3}{4}$ 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 up after use and to maintain the BBQ in good order.

It is very important to turn off the gas after use. Failure to do so will result in

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:

All correspondence to the Board of Directors or property Management Company should be by first class mail to current Management Company's mailing address as provided from time to time.

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 at the member's option, 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 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.

You also have the right to ask that the hearing be held in executive session.

Please acknowledge your receipt of this notice and indicate, by checking the appropriate box (1) if you will contest the alleged violation and if so (2) if you desire the hearing to be held in executive session.

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

desire a hearing in executive session.

Dated: _____

Signed: _____

PROCEDURE FOR MEMBER HEARING:

1. Member in alleged violation decides to hold hearing in executive session or not.
2. Statement of alleged violation(s) by acting chairperson.
3.
 - (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 \$100.00 may be imposed for each separate violation of the governing documents, subject to the following:
 - (a) For violations of a continuous nature which necessitate remedial action, but do not constitute a continuing nuisance affecting the enjoyment of other owners, the failure of the member to remedy the violation within 60 days of the imposition of the first monetary fine, will constitute a new and separate alleged violation, subject to an additional fine of \$200.00. The failure of the member to correct such a violation within 120 days of the imposition of the first monetary fine will constitute a third separate alleged violation, subject to an additional fine of \$400.00. The failure to correct such a violation within each 60 day period after the third violation will constitute a fourth and subsequent violation, every 60 days, each subject to an additional fine of \$400.00.
 - (b) If a member violates the same provision of the governing document, which is not in the nature of a continuing nuisance affecting the enjoyment of other owners, on two separate occasions within any 12 month period of time, the member will be subject to a fine of \$200.00 for the second offense. If the member violates the same provision three or more times within any 12 month time period, the member will be subject to fines for the third and subsequent violations of \$400.00 each.
 - (c) For violations constituting a continuing nuisance affecting the enjoyment of other owners, each day of the continuing nuisance, whether consecutive or not, shall constitute a separate violation and shall be subject to a fine of \$25.00 per day until the nuisance is abated subject to a maximum fine of \$500.00 per month.
 - (d) Each violation subject to discipline, whether new, continuous in nature or a repeat of a prior violation shall require the same notice and opportunity to be heard as described in the enforcement procedure above. However, multiple violations, whether individual or continuous in nature, may be addressed in a single notice of violation to the owner and may be the subject of and heard at a single hearing.
2. If not prohibited by other governing documents, 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.