

CAPTAIN'S HILL HOMEOWNERS ASSOCIATION



HANDBOOK

OF

RULES AND REGULATIONS

As amended in April, 2020

CAPTAIN’S HILL HOMEOWNERS ASSOCIATION

RULES AND REGULATIONS

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INTRODUCTION

The purpose of this handbook is to provide a brief overview of how the Captain's Hill Homeowners Association is managed and to outline some primary rules and regulations (R&Rs) adopted by the Captain's Hill Homeowners Association Board of Directors. Our goal is to allow all those involved to share in the Captain's Hill Homeowner Association's community pride, and to promote a safe and enjoyable lifestyle.

The adoption and enforcement of the policies outlined in these R&Rs are intended to instill consideration and cooperation among homeowners and tenants in providing aesthetic appeal and maintaining the value of properties within the community. These R&Rs also help sustain community services and facilities for the general use, benefit and welfare of the owners and occupants of Captain's Hill.

These R&Rs are established supplemental to, and in accordance with, the Articles of Incorporation, the By-Laws and the Covenants, Conditions and Restrictions (CC&Rs) governing the Captain's Hill Homeowners Association (HOA). Although these R&Rs are intended to bring out the most common aspects of the CC&Rs, they do not cover all aspects and do not supersede the intent of the CC&Rs. It is the responsibility of the homeowners and tenants to understand and abide by the R&Rs, CC&Rs and other regulations governing the community.

We want to sincerely thank all the homeowners and residents of Captain's Hill for their continued support in keeping this community a great place to live.

Sincerely,

The Captain's Hill Homeowners Association Board of Directors

GOVERNANCE

1. **Board of Directors** – A volunteer Board of Directors (Board) meets monthly to manage the HOA according to the guidelines set in forth in the CC&Rs and laws of the community.
2. **Committees** – Assisting the Board are various volunteer committees that provide guidance and recommendations to the Board for action. Committee volunteers are authorized and empowered by the Board in accordance with the CC&Rs. The Board has final authority in all committee matters. All actions taken related to committee business are documented in meeting minutes of the Board.
3. **Property Management Company (PMC)** – The Board contracts a professional property management firm to handle many of the affairs of the HOA including administration of elections, billing, professional advice in HOA proceedings and subcontracting for maintenance and repairs as approved by the Board. The PMC is also the primary point of contact for residents and homeowners who have a need to contact the management of the association. The Board may request the PMC account executive for the Captain’s Hill HOA to moderate Board meetings and other events.

COMMUNICATION

1. **Urgent Matters** – Homeowners should contact the PMC according to the instructions provided at the time of escrow and as may be communicated by the Property Management Company and the Board of Directors.
2. **Complaints** – Same as above. No action will be taken in response to a complaint received from a Homeowner until a complete and signed Rules and Regulations Complaint Form is received via mail or fax, or by email. Complaints are to include pertinent data such as the nature of the complaint, the time and date witnessed, names, addresses, license numbers, etc.
3. **Other** – Homeowners who have any concerns, questions, suggestions or problems should not hesitate to exercise their right to attend the monthly Board of Director Meetings. They will be given an opportunity to speak during the Open Forum session.

RULES, REGULATIONS AND ENFORCEMENT

1. **General** – The Board will take authorized action as necessary to deter violations and enforce CC&R’s and the R&Rs. These actions may include suspension of voting privileges and/or use of recreational facilities and/or the imposition of fines for repeated offenses.
 - a. Fines are imposed after the affected homeowner is given an opportunity to present his/her own case at a hearing before the Board of Directors. Alleged violators will be given the opportunity to an appeal.
 - b. Fine Schedule – effective January 1, 2006
 1. First offense \$100 + legal fees
 2. Second offense \$200 + legal fees
 3. Third and subsequent offense \$300 + legal fees

2. **Homeowners and Tenants** –Rental or Lease agreements for residences within Captain’s Hill-must include provisions that require all tenants and their guests to conform with the provisions of the CC&Rs, By-Laws and R&Rs of Captain’s Hill. Homeowners are required to provide tenants with current copies of the CC&Rs, By-Laws and R&Rs, and to confirm their tenant(s) understanding and acceptance of the applicable portions of these documents.

a. Failure of compliance must be considered a violation of the lease/rental agreement.

b. Homeowners are liable for violations attributed to their tenants.

3. **General Conduct** – It is expected and required that all residents and guests of Captain’s Hill will abide by a code of conduct in keeping with the tranquil atmosphere that is cherished by this community. Any damage to the common areas attributed to a resident or their guests will be remedied by the HOA and charged to the applicable homeowner. Every courtesy is to be extended to surrounding residents with respect to: a) acceptable levels of noise, traffic and parking; b) starting and ending parties and gatherings at reasonable hours; c) offensive language and inappropriate behavior

4. **Miscellaneous Conduct** – the following are also prohibited; a) littering or disposal of a toxic or harmful substance; b) climbing on trees, fences, gates, or common area landscaping; c) garage sales or business operations not previously authorized by the Board; d) skating, skate boarding or rollerblading in common area walkways

5. **Pets** – in accordance with City, County and State laws; a) owners/attendants are to pick up their pet(s) droppings; b) pets are to be on a leash and under the control of a capable person at all times while in the common areas; c) excessive or disturbing noise from a pet will not be tolerated.

ARCHITECTURAL CONTROL

1. **General** – In accordance with the CC&Rs, the Board has adopted strict guidelines to protect and preserve the architectural ambiance at Captain’s Hill. The board must approve any and all changes to architectural elements, including but not limited to, elements such as building modifications, patio covers, planters, antennae or other appendages, windows, doors, paint scheme and colors, roofing, fencing, wind barriers, common area landscaping, and signage. A primary consideration for approval is that all changes remain “in harmony with the external design and location in relation to surrounding structures and topography.”

2. **Applications** – Homeowners may contact PMC for information regarding the architectural approval procedure. Submitted applications must be accompanied by the necessary plans and pertinent information as required per the procedure and supplied with the application form-which include:

a. For any building modifications or custom construction such as patio covers, planters, fencing, wind barriers, etc. Applicant is to provide 2 sets of revision controlled architectural plans with initial application.

b. For manufactured products such as antennae, skylights, windows, doors, roofing, etc. applicant is to provide 2 copies of spec sheets, catalog pages or manufacturer’s drawings that are explicit with number of panels, color and finish as well as window specs for optional windows in sectional garage doors.

c. For applications that include paint schemes, color finish, landscaping, signage, etc. applicant is to provide color/paint specs, 2 copies of plans, drawings or photos, which best depict final configuration. Approved colors are posted on the bulletin board and/or the website.

d. Details required:

i. All plans, drawings, sketches, photos must be to scale and must include appropriate dimensions and views of all affected elevations.

- ii. Approvals – There is no implied approval. The board cannot approve an application based solely on the fact that a similar feature may already exist in the community.
- iii. Approval by the Board does not supersede or imply approvals required by municipal authorities. Approval by municipal authorities does not supersede or imply approval by the Association.
- iv. Applicants must acquire applicable city permits once the modification or improvement is approved by the Board.
- v. Homeowner or tenant action that is commenced or completed without advanced written approval by the Board is subject to disciplinary action by the Board, and may include removal of the improvement at the homeowner's expense. This includes unauthorized trimming or landscape modification in common area.

POOL SAFETY

Pool Hours are 7:00AM TO 9:00PM

1. **CAUTION! NO LIFEGUARD ON DUTY!** – Use of pool is at your own risk. All pool rules must be followed to maintain a safe and sanitary environment. The pool may be closed by local authorities or by the Board for unsafe or unsanitary conditions.
2. The pool is made available for the exclusive use of residents and their guests. Residents must accompany their guests and are responsible for their guests' actions. Common courtesy is the best policy among pool visitors and consideration must be given to neighboring residences with respect to noise and any other unacceptable behavior. Pool rules, pool hours and heating seasons are posted.
3. Gates must be fully closed and locked at all times. It is especially important for anyone entering or leaving the pool area to assure the gate locks behind them to prevent unauthorized access, damage to the area, or accidents.
4. Glass is prohibited. Even the smallest evidence of broken glass in the pool area is cause for closure by health authority and requires draining of the pool.
5. **Illegal substance** – State and local law applies. Consumption of alcoholic beverages by those under the legal age limit is not allowed. The use of an illegal substance of any kind is never allowed.
6. Children under the age of fourteen must be accompanied by an adult resident (18 or older). Children in diapers must wear protective rubber pants or swim diapers, and diapers must be disposed of in proper containers. *Please don't let children pee in the pool (or worse)! The Health Department may close the pool.*
7. Persons with open wounds are not allowed in the pool.
8. Reservations for short-term use of the cabana area for private parties must be emailed to the property management company and posted on the pool bulletin board inside the cabana. Private use of the cabana area does not exclude residents from using the pool.

PARKING AND TRAFFIC

1. **General** – Traffic and parking are regulated in accordance with the CC&Rs, applicable state vehicle code, local fire ordinances and Captain’s Hill insurance carrier requirements.
2. In order to maximize safety, the Board strongly urges owners, residents and guests to obey the 15 M.P.H. speed limit and parking rules outlined below.
 - a. **Parking** – Not only does limiting the number of vehicles parked in driveways and on the streets reduce the potential for accidents and vandalism, it helps maintain the appearance of Captain’s Hill.
 - b. **Garages** – Although some parking must be allowed on the streets to accommodate the number of necessary vehicles in the community, garages must be utilized as the primary parking area for up to two passenger vehicles that are currently licensed and in regular use. New residents will be allowed thirty days to comply.
 1. No other use of the garage (storage, workshop, etc.) may interfere with fulfilling this purpose, namely, the parking of two (2) vehicles that are in regular use.
 2. Residents with more than two passenger vehicles or with vehicles that exceed the size limits of the original garage structure may park on the street in unmarked/unpainted curb areas or in their driveways if there is no overhang beyond the curb line of the street.
 3. DMV Registration – Any vehicle parked outside overnight in any common area, including driveways, must be in operating condition and must display proof of current DMV registration.
 4. Guest marked spaces and green painted curb areas are for the exclusive use of guests, and may not be used by residents- Guests may also park in the driveway (without overhang) of the home they are visiting and along unpainted curb areas.
 5. No parking is allowed along curbs-painted “no parking” in red except for attended vehicles during loading/unloading.
 - i. Blocking the normal flow of traffic is not allowed at any time
 - ii. Parking on cul-de-sac streets is allowed in marked spaces only
3. **Recreational Vehicles** may be parked in the designated RV parking area only after proper assignment of a space approved by the Board. Homeowners may contact the PMC for information regarding how to apply.
 - a. Space is limited and is assigned on a first come-first served basis
 - b. Vehicles must qualify according to the requirements indicated on the application form, which includes but is not limited to
 1. the requirement that the vehicle/vessel, including trailer if applicable, be in working order.
 2. proof of ownership by a Captains Hill resident with a current license (and registration for vehicle (and trailer if applicable)). Planned Non-Operation (PNO) registration status is not allowed.
 3. vehicle must be in regular or occasional use as deemed by the Board in keeping with the intent and purpose of the designated RV parking area.
4. **Vehicle Repair** or maintenance is not to be performed in driveways, on the streets or other outdoor parking area except minor repairs required for moving the vehicle, e.g. adding fuel, replacing battery, or changing a flat tire.
5. **Disabled vehicles** may not be stored anywhere in the community, except within a garage when it does not violate any other parking rules. Disabled vehicles include vehicles that are not operational and/or are missing a material element for operation on city streets, such as engine, wheel(s), etc.

AMENDMENTS

The Board reserves the right to amend this document as to the Rules and Regulations set forth herein, and to include additional Rules and Regulations as necessary, according to the provision set forth in the CC&R's and current applicable laws.

1. Supporting documents such as committee Charters, committee Operating Guidelines, and Application Forms such as for Architectural modifications and RV Parking applications may also be modified by the Board at any time in the best interest of the community.

2. Proper notification will be provided to affected homeowners prior to modifying existing provisions and/or adopting new provisions.



Captain's Hill Homeowners Association

RULES AND REGULATIONS COMPLAINT FORM

From (print): _____

Address (print): _____

Phone Number _____

Date: _____ Signature _____

Second Witness (Must reside in a separate home from reporting party)

Name (print) _____

Address and Phone Number: _____

Date: _____ Signature: _____

To: Board of Directors, Captain's Hill Homeowners Association

Subject: Report of Violation of Association Documents / Request for Enforcement

Based on my personal observations, I report the following alleged violation and request appropriate investigation and Board action to enforce the provisions contained within the CC&R's or rules and regulations within the Association. I understand that my name and address may not be kept confidential as the party in question has the legal right to question the nature of this complaint.

Property address of alleged violation: _____

Rule (must include Title and Section)	Specific description of violation (include dates and times, any actions taken by you or other neighbors to notify property homeowner/resident, and what action is necessary for property homeowner to comply with the Association documents)
_____	_____
_____	_____
_____	_____
_____	_____

Send completed form to: Captain's Dana Pacific Management Services,
32565 Golden Lantern, #B370, Dana Point, CA 92629

