

**Mariposa of Mission Pacific
Property Owners' Association
Rules and Regulations
July 2005**

Preface

This document has been prepared to provide fingertip reference to the Rules and Regulations each property owner and tenant is required to observe. The Rules and Regulations were enacted for the sole purpose of protecting you and your property, and ensuring Mariposa will be a pleasant and safe place to live. This manual is supplemental to the Restated Declaration of Covenants, Conditions, and Restrictions (CC&R) filed in the Office of the County Recorder. See <http://mariposahoa.org> for additional information.

Living in a Planned Unit Development (PUD) can be a rewarding experience. Townhouse living frees the individual from a great deal of personal effort while at the same time affords all residents the luxury of having attractive, well-maintained and well-managed facilities and common areas.

While these Rules and Regulations are intended to be as encompassing as possible, it is not possible to anticipate every problem or contingency. It is hoped and expected members of the Association will exercise common sense and good judgment at all times.

MARIPOSA PROPERTY OWNERS' ASSOCIATION RULES AND REGULATIONS

1. COMPLIANCE WITH THE RULES AND REGULATIONS

The Association has no practical way of assuring compliance with the Rules and Regulations other than through the assessment of monetary fines. At the discretion of the Board of Directors (See Section 14 General Rules, Par. "M"), a monetary fine, issued in increasing increments, will be levied for each infraction. Members will be notified, in writing, as to any violation. Members will be given due process by the opportunity to appear in executive session before the Board of Directors prior to a regularly scheduled Board of Directors' meeting to discuss the violation and/or potential fine(s).

2. FINANCIAL OBLIGATIONS

The income from the Property Owners' Association monthly dues is the only means the Association has to meet the obligations for maintenance of the development. It is imperative payments are received when due (See Restated Declaration of Covenants, Conditions and Restrictions, Article 3). The due date is the first day of each month and assessments are delinquent after the 15th of each month.

3. CHANGE OF OWNERSHIP OR ADDRESS

Any change of address or ownership must be reported to the property management office within ten (10) days of close of escrow. Absentee owners must provide a Registration Form for their tenants. This form can be downloaded from <http://mariposahoa.org> or from the Management Company. A signed receipt, certifying delivery to the tenant of a copy of the CC&Rs and a copy of the Rules and Regulations, must be furnished to the management company's office within thirty (30) days after occupancy of a new resident.

4. TENANTS, VISITING GUESTS AND CHILDREN

- a. Residents (property owners and tenants) are responsible for notifying their guests and children of the Rules and Regulations.
- b. Owners are responsible for any infraction of the Rules and Regulations and damages caused by themselves, tenants and visiting guests and children.

5. LANDSCAPING

- a. No owner may make any alterations, improvements or additional plantings to the common area, or remove any plantings without the written approval of the Board of Directors.
- b. The Association employs the service of a professional landscape company to care for all common areas (i.e., trees, grass, plantings, sprinklers, etc.). Any problems should be reported to the Management Company.
- c. If the common area is used, the area should be cleaned before leaving. Any damages occurring (i.e., broken sprinklers, damaged grass, plantings, trees, light fixtures, etc.) during use of the common area will be that property owner's responsibility and shall be reported to the Management Company.
- d. Property owners must refrain from walking on, or allowing their children to play on landscaped slopes and in planter beds. No persons are allowed to climb trees planted in the common areas. Any damages resulting from the above activities will be that property owner's responsibility.
- e. No trees or plants are permitted to infringe on the common areas or neighboring property from within the property owner's patio. Again, the property owner will be financially liable for any damage done by invading roots or branches.
- f. Hoses not in use must not be left in the common area. Any damages resulting from such activity will be the property owner's responsibility.

6. PATIOS

- a. Planting within the patio area is permitted. This area is to be well maintained by the property owner and/or tenant and no dead plants or weeds are allowed. No personal property shall extend beyond the patio walls into the common area. Any damage incurred will be the financial responsibility of the homeowner
- b. Patios are not to be used for storage. No unsightly items which can be seen from the street or from another unit will be permitted (i.e., refrigerators, lumber, firewood, mattresses, trash containers, animal cages, etc.).
- c. If barbecues or smokers are used in the patio or common areas, care should be taken to avoid smoke discoloration of building exterior or smoke blowing into adjoining units. Remember to be a good neighbor.
- d. Patio caps are to be kept free of unsightly clutter (portable BBQ's, etc.). The patio cap is the sole responsibility of the property owner. Damage to the patio wall caused by pots or roots, is the financial responsibility of the property owner. We suggest that you use protective plastic saucers under your potted plants – you will be required to replace your patio cap if water damage ensues.
- e. Patio gate installation is permitted only with prior written approval of the Board of Directors and must be in accordance with the specifications set forth by the Property Owners' Association.

7. ARCHITECTURE

- a. Any modification of any external architecture or lighting requires the prior written approval of the Board of Directors. All requests must be made in writing using the Architectural Change Request Form and submitted via the Management Company.
- b. No outside shutters, screens, blinds or drapes shall be installed, permitted, or maintained without the express prior written approval of the Board of Directors.
- c. If an owner installs a screen or security door, it is their responsibility to maintain and keep it in good working condition (i.e., painting, screening, rusting, etc.) Screens and screen doors must be dark brown or black in color. Written approval of the Board of Directors is required prior to installation.
- d. No items shall be attached to the exterior (stucco or wood) by any property owner. Any damages resulting from such infractions will be the property owner's financial responsibility to restore to original design/specifications.
- e. Central air conditioning, antennae and/or aerials are permitted only with prior written approval of the Board of Directors, and must be in accordance with the specifications set forth by the Property Owners' Association. Satellite dish antennas are permitted without prior written approval, but must comply with the published standards of the Association and will be subject to removal and the imposition of fines if improperly or inappropriately installed. It is the owner's responsibility to maintain and keep these systems in a good working condition and appearance. No window-mounted air conditioners are permitted.

8. SWIMMING POOL AND JACUZZI

- a. The hours of the pool and Jacuzzi are 7:00 a.m. to 11:00 p.m. Quiet hours shall be observed in the pool and Jacuzzi area before 8:00 a.m. and after 9:00 p.m.
- b. All persons who swim in and use the pool and Jacuzzi do so at their own risk. There is no lifeguard on duty. The Property Owners' Association does not assume any liability in this regard.
- c. Children under fourteen (14) years of age must be physically accompanied by a legal adult eighteen (18) years old or older while using the pool area. This is for safety purposes.
- d. Jacuzzi users under the age of fourteen (14) years of age must be accompanied by a legal adult eighteen (18) years old or older. The adult must physically accompany the child into the Jacuzzi for safety purposes.
- e. Use of the pool and Jacuzzi is restricted to residents and five (5) of their guests per unit. Residents must accompany their guests at the pool and Jacuzzi area at all times.
- f. There shall be no use of the life saving equipment in and about the pool and Jacuzzi area except in an emergency requiring or justifying its use.
- g. Persons using the pool and Jacuzzi must refrain from dangerous or destructive activity at all times and no offensive language or activities shall be conducted at any time.
- h. Absolutely no glass or other breakable containers shall be brought into the pool or Jacuzzi area.
- i. Pool furniture must be left in the pool area at all times. Pool furniture may not be overturned, broken, damaged, placed in the pool, or abused in any way.
- j. Pool toys are limited to swim aids and flotation safety devices. Boogie boards, air mattresses, Frisbees, Styrofoam devices, scuba equipment, basketball nets, or weight belts are not permitted. Non-floating items (i.e., rocks, dirt, fishing weights, keys, coins, etc.) and paper may not be thrown into the pool or Jacuzzi.
- k. Persons with open wounds or sores are not allowed to use the pool or Jacuzzi.

- l. The pool gate must be fully closed and kept in the locked position at all times. For safety purposes the gate may not be propped open.
- m. In the event the pool or Jacuzzi is occupied upon arrival of the pool maintenance service, users may be asked to vacate the area so that service may be accomplished. Adjustments to the pool and Jacuzzi equipment are to be made by authorized personnel only.
- n. Animals are not permitted in the pool area, per County Health Code.
- o. Bicycles, motorbikes, scooters, skateboards, roller skates, or rollerblades are not permitted in the pool area.
- p. Neither the pool nor Jacuzzi may be reserved or used for private parties.
- q. Positively no diving or running is permitted in the pool and Jacuzzi areas.
- r. Swimmers must shower prior to entering the pool or Jacuzzi. Suntan oils and lotion must be removed before entering the pool or Jacuzzi.
- s. Only clean, appropriate swimwear may be worn into the pool and Jacuzzi. Cutoffs are not permitted.
- t. Children of diaper age shall wear a diaper with waterproof pants under swimwear when in the pool or Jacuzzi.
- u. Smoking is not allowed in the pool or Jacuzzi.
- v. Damage to swim clothing due to chemicals used in the pool and Jacuzzi is the resident's responsibility.
- w. No barbecuing is allowed in the pool or Jacuzzi areas.

9. PETS

- a. Dogs must be kept on a leash being held by a person capable of controlling them at all times.
- b. It is the absolute responsibility of the pet owners to clean up after their animals that have used any portion of the common area and the city streets. Pet owners must carry and use pickup waste containers when walking dogs per County Ordinance 62.670. Waste containers may not be stored in any common area or on patios.
- c. Pets are not permitted inside the pool area at any time.
- d. Barking dogs, howling cats, and noisy birds are the responsibility of the property owner or tenant and must be controlled at all times even during pet owner's absence. Remember to be a good neighbor.
- e. All pet owners must comply with the city laws and regulations with respect to control and health of their pets.
- f. Dogs or cats may not be tied or staked out in any common areas or on patios.

10. TRASH/RECYCLING

- a. Trash pickup is every Friday with the exception of a holiday during that week. Trash will then be picked up on the following day, Saturday.
- b. Recycling pickup is every other Friday with the exception of a holiday during that week. Recycling will then be picked up on the following day, Saturday.
- c. Trash/Recycle containers must not be placed out prior to 6 p.m. on the evening before collection day. Trash/Recycle containers must be removed from city streets and common areas by 8:30 p.m. on collection day.
- d. Trash/ Recycle containers must be stored inside your garage when not in use during

trash/recycling collection.

- e. The city-furnished/owned containers must be used for your weekly trash/recycling pickup. All trash/ recyclable items must fit inside your container. Trash/Recyclable items will not be picked up in any other container. Any trash/ recyclable items not placed in the city-owned trash/ recycle container will result in a fine and disposal charge to that property owner. All large items (i.e., mattresses, appliances, cardboard boxes, etc.) must be disposed of by the property owner at a local landfill. For disposing of flammable and hazardous materials call Environmental Services at 858.694.7000 for instructions.

11. SIDEWALKS, LANDSCAPED AREAS, COMMON AREAS

- a. Unattended bicycles, roller skates, roller blades, skateboards, mopeds, motorcycles, children's toys, etc., are not permitted on walkways, sidewalks, driveways, or landscaped area within the common area.
- b. Skateboarding, roller skating and rollerblading are not permitted within the common areas of the complex. The common area is the total Mariposa complex except for the city streets and city sidewalks along Mission Vista Drive and Mission Mesa Way.
- c. Bicycling is not permitted on "common area" sidewalks, driveways, landscaping, or lawns.

12. SIGN & FLAG REGULATIONS

- a. One (1) FOR SALE or FOR RENT sign, not in excess of 24" x 36", may be displayed inside any unit on the market for sale or rent, provided, however, the display of said sign shall be limited to the period that said unit is actually held for sale or rent. The sign is to be removed upon rental or upon offer and acceptance of the buyer and seller. Sign removal shall **not** wait until the close of escrow.
- b. One (1) OPEN HOUSE sign may be placed directly in front of the unit only during the hours of the open house.
- c. One (1) each directional sign will be permitted during the hours of the open house on common area at Mission Vista Drive & Mission Gorge Road and Mission Vista Drive & Mission Mesa Way if necessary.
- d. Stickers, decals, or signs are not permitted on the outside of structures, such as garage door, front door, or on the outside of windows. One sticker is permitted on the window closest to the front door of the unit to announce a property security device/system.
- e. The Association supports the display of the American Flag from within property owners' separate interests, in compliance with Civil Code 1353.3. No "flags" made from lights, paint, flora, balloons, etc... are permitted, however.
- f. Non-commercial signs, such as "baby announcements ("It's a Girl!") and flags are limited to nine-square feet in size for signs and 15 square feet in size for flags and banners, may only be displayed from within property owners' separate interests and may not be made of lights, flora, landscaping, balloons, the painting of architectural surfaces or any other such prohibitions as contained in Civil Code 1356.6,

13. PARKING

- a. EMERGENCY MEDICAL and FIRE LANES must be kept clear at all times. These areas are marked in RED. All driveways are considered a fire lane. This protects you as well as your neighbors.
- b. Parking of recreational vehicles, boats, trailers, and motorcycles is **not** permitted in common

areas. Residents are further prohibited for parking or storing recreational vehicles, boats or trailers on the city streets within the Mariposa Community for any period greater than 12 hours in one week.

- c. Inoperable or unlicensed vehicles are not permitted at any time to be parked in common areas or on city streets per Municipal Code 86.23 H.
- d. Vehicles parked on city streets for longer than 72 hours are subject to Municipal Code 86.23 G.
- e. Vehicles parked for periods of more than 72 hours are not permitted in any common parking area and will be towed at owner's expense.
- f. No one shall conduct repairs or restorations on any motor vehicle, boat, trailer, or aircraft upon any common area. And no such repairs or restorations shall be performed anywhere on the property, including the owner's garage for "commercial purposes."
- g. Vehicles that leak any fluids that could damage the common area may not be parked in the common areas. Any damages incurred will be the financial responsibility of the owner.
- h. Any vehicles parked contrary to these rules, or presenting a safety or health hazard, can and will be towed away at the owner's expense and will be subject to a citation and fine from the Property Owners' Association Board of Directors.

14. GENERAL RULES

- a. There will be no excessive noise made by any property owner or tenant that is disturbing to the neighbors.
- b. No owner shall do anything, which shall increase the rates of insurance, or result in the cancellation of insurance relative to the community or any portion thereof. Contact the Management Company if you have anything that should be reported to the insurance company.
- c. No person shall litter in the common area.
- d. No obnoxious or offensive activity shall be conducted in the community, nor shall anything be done therein which may be or become an annoyance or nuisance to the other residents.
- e. At no time, shall a property owner personally contract a service company on behalf of the Association. The Association will not be responsible for any service company charges resulting from such a contract.
- f. No property owner, tenant, or guest shall engage in or permit any activity that will interfere with the rights, comfort, safety, and convenience of other property owners/tenants.
- g. The property owner will be held responsible for the behavior of their children, guests, and tenants at all times.
- h. No property owner or tenant shall have the right to paint, decorate, remodel, landscape, or adorn any part of the common area except as approved by the Board of Directors in writing.
- i. Aluminum foil, newspapers, cardboard, or bed sheets are not acceptable window coverings. These items and any similar items are not to be used for the purpose of window coverings.
- j. Garage doors are to remain completely closed except for exiting and entering or if the owner or tenant is present in the garage area.
- k. Fines are as follows (for same type offenses; new offenses start at 1st infraction):
 - 1st & 2nd infraction Warning Notice
 - 3rd infraction \$50.00
 - 4th & all subsequent infractions..... \$100.00
- l. Infractions should be reported in writing to the Management Company. It is everyone's

responsibility to report violations of the rules in order to keep our community a pleasant and safe place for everyone.

- m. Motor vehicle speed limit in all common areas is not to exceed fifteen (15) mph.
- n. Wind chimes are only permitted if the sound from them does not disturb other residents. Remember to be a good neighbor.
- o. Washing of motor vehicles is allowed in the area directly in front of the property owner's/tenant's garage door. All debris and equipment must be cleaned up when washing is completed. Any restrictions imposed on car washing by the City of San Diego apply to residents in the Mariposa, and it's the residents' responsibility to be aware of and comply with them.
- p. Any and all disputes arising under these Rules and Regulations including, but not limited to, their interpretation, enforcement, and imposition of penalty fines, shall be resolved by the Board of Directors. The Board of Directors shall have full, final, and exclusive jurisdiction of any such disputes, and its decisions shall be final and binding on all parties.
 - These Rules and Regulations are established and approved by the Board of Directors of Mariposa of Mission Pacific Property Owners' Association. The Board of Directors may amend or otherwise change, in whole or in part, the Rules and Regulations at any time.
 - These Rules and Regulations become effective upon final publication to the membership. Ignorance of the Rules and Regulations shall not be acceptable as just cause for noncompliance.
 - If you rent your home to another, it is your sole responsibility to see that your tenant receives a copy of these Rules and Regulations.

We strongly suggest you keep this document available for future reference. These Rules and Regulations may also be viewed at <http://mariposahoa.org>. A hard copy may be obtained from the Management Company.