

Colony Barcelona Homeowners Association

RULES and REGULATIONS

Compilation of Updated Rules as of July 20, 2013

COLONY BARCELONA

RULES and REGULATIONS (R & Rs)

All properties within Colony Barcelona are subject to easements, restrictions, covenants and conditions, all of which exist for the purpose of the enhancing and protecting the value, desirability, and attractiveness of the real property.

From time to time, the Board of Directors shall adopt reasonable Rules and Regulations (R&Rs) not inconsistent with the Covenants, Conditions and Regulations (CC & Rs) which govern homeowners, their occupants and guests' use of and conduct on the community common area. Rules include activities concerning pets, use of streets, parking, maintenance, renovation of properties, and other activities. Examples of other activities are those which might adversely affect the community or its appearance or which might offend, inconvenience, endanger or otherwise interfere with homeowners, their occupants and guests' peaceful enjoyment of their properties and the beneficial use of the project common area.

The Rules & Regulations shall be binding upon the homeowners, occupants and guests. They shall be enforceable to the same extent as if they were specifically set forth as a provision of the C, C & R's of this community.

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ARTICLE 1.

GENERAL

In accordance with Article #9.1.16 and Article #11 of the Colony Barcelona Covenants, Conditions and Restrictions the Board of Directors has formulated and adopted these Rules and Regulations of the Association. All Rules and Regulations (R&Rs) are binding. The Colony Barcelona HOA Board of Directors are empowered to enforce these project documents as detailed in Articles #4.3.a, #7.1.16, #7.1.17, #9.1.17, #9.1.18, #23.1, and #23.2, of the Colony Barcelona Covenants, Conditions and Restrictions and as defined in the Colony Barcelona Fine Procedures as prescribed in Civil Code Section 1363. The board is empowered to impose disciplinary action in accordance with California Civil Code Section 1363 (g) and as defined in Art. #13.4.6 and #13.4.7 of the CC&Rs. "Special Notices" shall be issued for special situations from time to time and they shall be governed as though a part of this document. Should any conflict arise between the CC&Rs, and the Rules and Regulations, the CC&Rs will govern.

A member homeowner may request enforcement of Rules and Regulations by submitting a detailed letter to the Board of Directors. The request should be sent to the management company. Landlord Homeowners shall ensure that tenants receive a copy of the Rules and Regulations. Landlord Homeowners will be solely responsible for their tenant violations and consequential fines that may be imposed. Violation of "Special Notices" shall be the same as a violation of the Rules and Regulations. New homeowners should receive a copy of the CC&Rs and the Rules and Regulations from the Escrow Company. A copy of CC&Rs and R&Rs may be obtained through the management company.

1.A. DEFINITIONS:

- 1.A.1. Homeowner's Association: the group of owners of real property in Colony Barcelona, excluding renters.
- 1.A.2. Visitor Parking Permit Placard: the red plastic parking placard issued to each homeowner.
- 1.A.3. Temporary Visitor Parking Permit: A cardboard parking permit which may be issued on a temporary basis, in response to an application by a member of the Homeowner's Association
- 1.A.4. Permits: In this document only, "Permits" refers to both types of parking permit: the red Visitor Parking Permit Placard and the Temporary Visitor Parking Permit.
- 1.A.5. Authorized Vehicle: A vehicle that properly displays a valid red Visitor Parking Permit Placard has unlimited visitor parking privileges and is in accord with all other regulations
- 1.A.6. Unauthorized Vehicle: A vehicle that does not properly display a valid red Visitor Parking Permit Placard or Temporary Visitor Parking Permit and parks in visitor parking more than the allowed number of times in a calendar month

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ARTICLE 2. USE OF RESIDENTIAL LOTS

- 2.A. RESIDENTIAL USE ONLY: In accordance with Article #16.1 of the Colony Barcelona CC&Rs, homes in Colony Barcelona shall be for private, residential use only.
- 2.B. IN HOME BUSINESS: In-home businesses and related in-home business activities are subject to the San Diego Municipal Code Section 101.04.06 and the San Diego Neighborhood Compliance Department. Tel: 619-236-5500. In-home businesses that invite client pedestrian and vehicular traffic or creates the need for additional vehicle parking within the Colony Barcelona properties which causes the reduction or elimination of the designated visitor parking areas is prohibited and is subject to the parking violation enforcement procedures.
- 2.C. GARAGES: Garages are to be maintained strictly for the storage of automobiles and shall be capable of parking two {2} cars at all times. Converting garages to any other use, including living quarters, storage or business use, is strictly prohibited by the CC&Rs and City of San Diego. Garage doors shall be closed except when moving vehicles or when continued access is required. Open garage doors shall not be left unattended.
- 2.D. YARD SALES: Garage sales, yard sales, estate sales, the advertised sale of items or vehicles, and signs that promote such activities within the Colony Barcelona complex are prohibited. Association sponsored and organized community garage sales may be permitted subject to the Board of Directors approval.

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ARTICLE 3. ARCHITECTURAL AND LANDSCAPE: APPROVAL AND RESTRICTIONS

3.A. ALTERATIONS:

Any exterior alteration, addition, color change, major landscape installation, patio cover, drainage alteration, any change to the exterior appearance of one's property; any foreign structures or items not specifically mentioned that visually distracts from the normal scheme of landscape standards set forth in the governing documents requires written approval from the Colony Barcelona Architectural Committee and the La Jolla Colony Landscape/Architectural Advisory Committee before the work is started. Architectural Request Forms are available from the management company. Each homeowner shall maintain his residential structure and lot within the provisions prescribed by said committees. Structural alterations, which change the original square footage of the residence, are prohibited.

3.B. FORMS & PERMITS:

Architectural request forms for changes, alterations, the addition of foreign structures, the installation of sport or play equipment and landscaping are available from the management company. The homeowner shall be responsible for obtaining any required permits and plans. Architectural Committee approval is required before the commencement of installation, construction or alterations.

3.C. ANTENNAS & SATELLITE DISHES: CC&R Art. #16.5

Antennas shall not be constructed, installed or maintained on any portion of a residential property without the approval of the Board of Directors. Contact the management company for a copy of the Association's current Satellite Dish Installation and Maintenance Policy.

3.D. MAINTENANCE and EXTERIOR APPEARANCE CC&Rs Art. #9.1.9, #15.1 and #16.6

3.D.1. HOMEOWNER'S RESPONSIBILITY: The maintenance and appearance of lots and structures are the responsibility of the homeowner. All residential lots shall be landscaped. Landscaping shall be maintained in a neat and healthy condition. Lots shall be kept free of weeds, over growth, dead plant material, debris and other items that are unsightly from the common area, including trash and recycle containers.

3.D.2. COSMETIC MAINTENANCE: Cosmetic maintenance such as painting, light fixture replacement, gate repair, house number replacement, and other miscellaneous items, generally do not require an architectural approval as long as the maintenance involved does not alter the original appearance, color, and design or if the maintenance project conforms to the specifications and guidelines listed on the homeowners information page.

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- 3.D.3. **DETERIORATION:** Deterioration, discoloration or damage to structures or lots that are obviously in need of maintenance or repair that disrupt the continuity of Barcelona Colony community standards and cause unusual depreciation shall be renovated as required at the owners expense upon receiving written notice from the management company.
- 3.D.4. **ITEMS THAT MAY NOT BE HUNG OUT:** Clothing, rugs, car mats, and other items not specifically mentioned are not allowed to hang from or extend from patios, windows, walls, gates, or fences. Exterior clotheslines are prohibited.
- 3.D.5. **WINDOW COVERINGS:** All window coverings shall be neutral in color as seen from the exterior of the residence. Windows covered with aluminum foil, newspaper, cardboard, or other unsightly materials not specifically mentioned are prohibited. Window tinting is generally accepted, but must be approved by the Architectural Advisory Committee. Viewable double pane windows, which become fogged and unsightly, shall be restored to their original clear condition.

3.E. SIGNS & FLAGS:

Sign regulations are in accordance with the California Civil Code No. 713. Signs placed inside, behind the gated wall shall not exceed the height of that wall. Signs, billboards and flags shall not be displayed to public view except as follows:

- 3.E.1. **REALTY SIGNS:** One "for sale" or "lease" or "rent" real estate sign may be displayed on the garage door. All signs shall be restricted to a size to 9" X 12". "Sold" signs are prohibited. Open house signs will be allowed on weekends and holidays only and shall be restricted to one sign at the entry to the project and one sign in front of the house for sale. Such signs shall not exceed 24" X 24". Real estate flags, banners or balloons are prohibited. Member owners shall be accountable and ensure that their agents act in accordance to the rules.
- 3.E.2. **MONITORING SIGNS:** One sign pertaining to security monitoring service may be displayed in the landscape area in front of the gate wall. This sign shall not exceed 10" x 10" in size.
- 3.E.3. **BEWARE OF DOG SIGNS:** "Beware of Dog" signs may be displayed on the front gate as long as it is not larger than; 4" high by 10" wide and, the color is black and white only and it is installed in a professional and workmanship like manner or the sign may be placed within the homeowner's private area.
- 3.E.4. **FLAGS:** Flags must be mounted in a suitable bracket and in a manner that will not interfere with foot traffic or maintenance operation. Holiday flags are allowed to be displayed no more than one month prior to any holiday and must be removed within two weeks following the holiday for which the flag represents. Flags that are odious, faded or tattered are prohibited. Only one holiday flag may be displayed at a time.

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3.F. GARBAGE COLLECTION:

Containers used for trash disposal, greenery and recycled materials shall be kept from public view at all times except for the evening prior and the day of the scheduled collection. Residents shall place trash in front of their residential lot as prescribed by Tayman Industries' schedule - (Tuesdays). All trash shall be kept in Tayman-furnished trash, greenery and recycle containers. Trash boxes, boxes and other containers not approved are prohibited. Containers must be removed from public view the evening of trash pick-up. All containers must be removed by 6:00 PM of the scheduled collection day in accordance with the San Diego Municipal Code Section 66.0105 Violators are subject to fines and citations. FYI: Tayman Industries is 858-453-8878.

3.G. HOLIDAY DECORATIONS:

December holiday decorations may be displayed the day after Thanksgiving and must be removed by the end of January. All other holiday decorations are allowed to be displayed within one month prior to the holiday and must be removed within two weeks after the holiday.

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ARTICLE 4. COMMON AREA

- 4.A. **LANDSCAPE:** The Association maintains the yard in front of each residence located on the street side of the gated wall. Homeowners are not permitted to remove, replant or otherwise add to or alter the common area yard without the written approval of the Landscape/Architectural Advisory Committee. All potted plants, shrubs or planter boxes, and like items shall be subject to provisions promulgated by the committee. Well-maintained potted plants in saucers that prevent staining are permitted on the gateposts/columns.

- 4.B. **DAMAGE AND REPAIRS:** In the event that a homeowner is responsible for damage or destruction to the common area or front yard through negligence or abuse, that owner will be responsible for all costs incurred in the repair or replacement of the damaged area.

- 4.C. **MAINTENANCE PERFORMANCE:** All complaints, requests or suggestions concerning the landscape maintenance company should be addressed to the management company in writing.

- 4.D. **MAILBOXES:** Mail theft, mail tampering and the unauthorized mail delivery of letters or advertisements are prohibited and should be reported to the U.S. Postal Service and the management company immediately.

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ARTICLE 5.

PARKING

5.A. GENERAL:

5.A.1. SPEED LIMIT: The speed limit is 15 MPH: Violators will be fined. Reference: CC&R, Art. #8.1 and Art. #9.1.17.

5.A.2. SIDEWALKS: Colony Barcelona sidewalks and streets are specifically intended for use of pedestrians and vehicular traffic entering and leaving the community proper. CC&R, Art. 4.2.B.

5.B. STREET PARKING:

5.B.1. STREET PARKING IS PROHIBITED. The streets in Colony Barcelona are designated as fire lanes by the City of San Diego.

5.B.2. VIOLATION: Vehicles in violation will be fined and may be towed at the owner's expense. Fine procedures may be implemented in accordance with the Association's governing documents. Parking shall be in garages or in designated visitor parking areas only.

5.B.3. DRIVEWAY PARKING: Parking on driveways, sidewalks and grass is prohibited. Blocking any portion of a private or public sidewalk is a violation of California Vehicle Code section 25500 (g). Vehicles in violation may be towed at the owner's expense and the responsible homeowner may be fined. Exception: driveway parking is permitted if the driveway is at least 10 feet in length (measured from the closed garage door to the front property line) and if the parked vehicle does not block the sidewalk or impede landscape maintenance procedure, the vehicle is parked straight in, and the vehicle complies with other parking rules.

5.C. VISITOR PARKING GENERAL: Designated Visitor Parking areas are for authorized vehicles only as defined in Article 5.E.

5.C.1. DESIGNATED VISITOR PARKING AREAS: Visitor parking spaces are designed and intended solely for the temporary short-term use of authorized principal vehicles that belong to the visiting guests of Colony Barcelona homeowners and tenants and for the occasional temporary parking of authorized resident principal passenger vehicles.

5.C.2. GUEST PARKING TO REMAIN AVAILABLE: Homeowners, guests, tenants, contractors, or vendors shall not cause the reduction or elimination of the designated visitor parking areas by parking a vehicle or vehicles belonging to, borrowed by, or used by a homeowner, guest, tenant, contractor, vendor, or their associates for any purpose.

5.C.3. OVERSIZE VEHICLES: Commercial trucks and vans rigged or intended for service, trailers, campers, motor-homes, or boats are not authorized to park on Colony Barcelona streets, sidewalks, driveways, designated visitor parking areas or other common areas

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except for delivery or pickup of materials, appliances, furniture, and the like. None of the above will qualify for parking permit privileges and will be subject to immediate enforcement procedures

5.C.4. **ABANDONED INOPERATIVE VEHICLES:** A vehicle that is judged to be abandoned, used for storage, to be inoperative including flat tires, used for in home business client activity, or vehicles that; do not properly display current license registration, cause excessive damage or erosion to asphalt due to fluid leakage, or other wise become a visual nuisance to the community or cause unnecessary devaluation of the common property will be affirmed as unauthorized.

5.D. **PERMIT PARKING:**

INTRODUCTION: The purpose of the Visitor Parking Permit Program is to increase the number of available guest parking spaces within Colony Barcelona. The program will implement a procedure in which authorized vehicles will have available parking and all unauthorized vehicles will eventually be towed from the community premises. Residents are expected to park their vehicles in their garages. All Homeowners will be entitled to one registered red "Visitor Parking Permit Placard," The red Visitor Parking Permit Placard must be displayed from the inside rear view mirror of the vehicle while it is parked in any designated common area parking space. This will assure the Association and the Association's agents that the vehicle is authorized and entitled to guest parking privileges. All other vehicles, which are parked in the designated visitor parking areas and do not properly display a valid red Visitor Parking Permit Placard will be monitored for recurrence by the security company. After a predetermined number of parking occurrences within a calendar month, the vehicle will be recorded as unauthorized and towed from the community premises under the direction and supervision of the security company. (See Towing Procedure) The Management Company in coordination with the Security Company will administer the Visitor Parking Permit Program in its entirety and in accordance with the Rules and Regulations, the California Vehicle Code, the California Corporations Code and other governing documents permitting them to do so.

5.D.1. **VISITOR PARKING PERMIT PLACARD (YOUR RED PLASTIC CARD):** Guest vehicles will be required to properly display the red Visitor Parking Permit Placard to park in the designated visitor areas. The red Visitor Parking Permit Placard must be displayed from the inside rear view mirror of their vehicle while parked in any designated visitor parking area. The Parking Permit Placard does not exclude the vehicle from other parking rules.

5.D.2. Vehicles that are parked in the designated visitor parking areas that do not properly display a valid red Visitor Parking Permit Placard will be recorded as unauthorized any may be towed in accordance with the these rules.

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5.E. AUTHORIZED VEHICLES:

- 5.E.1. **UNLIMITED VISITOR PARKING PRIVILEGES:** A vehicle that properly displays a valid red Visitor Parking Permit Placard has unlimited visitor parking privileges as long and is in accord with all other regulations.
- 5.E.2. **TEMPORARY VISITOR PARKING PERMIT:** A vehicle that properly displays a valid Temporary Visitor Parking Permit has limited visitor-parking privileges and is in accord with all other regulations.
- 5.E.3. **VISITOR PARKING PERMIT PLACARD:** A vehicle that does not have a valid red Visitor Parking Permit Placard displayed and also has not exceeded the allowable number of parking occurrences and is in accord with all other regulations.

5.F. UNAUTHORIZED VEHICLES:

- 5.F.1. A vehicle that does not properly display a valid red Visitor Parking Permit Placard or Temporary Visitor Parking Permit and parks in visitor parking more than the allowed number of times in a calendar month.
- 5.F.2. A vehicle that does properly display a Visitor Parking Permit that is not valid.
- 5.F.3. A vehicle that does properly display a Temporary Visitor Parking Permit that is not valid.
- 5.F.4. A vehicle that is affirmed to be unauthorized in accordance with the rules of Article 5.C.

5.G. ELIGIBILITY:

- 5.G.1 This section number is blank.
- 5.G.2. **ELIGIBILITY:** Each homeowner will be entitled to one registered red Visitor Parking Permit Placard. First and foremost, the homeowner must be in good standing with the Association in accordance with the governing documents. The qualifying homeowner must be the property owner of record. Only the homeowner of record or the recognized assigned agent for the homeowner may receive a red Visitor Parking Permit Placard. Acceptance of a requested Visitor Parking Permit is an acceptance of the rules and policies governing the use of them. As a condition of receiving a Visitor Parking Permit, the owner shall be required to fill out and sign a Visitor Parking Permit Application and Agreement. Permits will not be issued to resident tenants without written notice from the homeowner specifying the name and address of the tenant and explicitly directing the management company to do so. Tenants may be issued Temporary Visitor Parking Permits only if the tenants are registered with the management company; the homeowner of record is fully responsible for the actions of their tenants. Commercial trucks and vans which are rigged for service, intended for service, loaded with supplies or construction materials or any other vehicle as described in Articles 5.C.3 and 2.B of the Rules and Regulations, or otherwise not fitting the description of a guest passenger vehicle, are not

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eligible to display parking permits and may be removed from the premises at the owner's expense.

5.H. PARKING PERMIT PLACARDS:

5.H.1. All Parking Permit Placards are designed to hang from the inside rear view mirror of your vehicle. Each Homeowner Member is solely responsible for the security and preservation of their registered Visitor Parking Permit Placard and their Temporary Visitor Parking Permit will be their responsibility to control and monitor its use and security. There are replacement fees.

5.H.2. PLACARD REPLACEMENT: Homeowners are solely responsible for the security and preservation of their registered Permit and any Temporary Visitor Parking Permit. It will be their responsibility to control and monitor its use and security. Lost, stolen or damaged placards will be replaced for a fee. A \$25.00 replacement fee will be charged for the initial replacement. A \$50.00 fee will be charged for the second replacement.

A \$100.00 fee will be charged for the 3rd replacement. If the Permit is subsequently lost, stolen, or damaged a notice to appear before the Board may be issued and parking privileges may be revoked indefinitely. Use of a Permit that has been recorded as lost or stolen may result in a fine and loss of parking permit privileges.

5.H.3. VISITOR PARKING PERMIT PLACARD

Visitor Parking Permits Placards display a pre-designated number and are designed to hang from the inside rear view mirror (or between the dashboard and windshield so they can easily be seen from the outside if they do not fit on the mirror). The red Visitor Parking Permit Placard number is registered with the Association. Vehicles that display a revoked red Visitor Parking Permit Placard that has been replaced with a more current valid numbered red Visitor Parking Permit Placard will be cited and may be towed from the premises. Use of a red Visitor Parking Permit Placard that has been recorded as lost or stolen may result in a fine and loss of parking permit privileges.

5.I. TEMPORARY VISITOR PARKING PERMIT:

5.I.1. TEMPORARY VISITOR PARKING PERMIT: A separate Temporary Visitor Parking Permit may be available upon request for those occasions when a homeowner needs additional temporary parking. The Temporary Visitor Parking Permit will be designated for only one specified recorded vehicle and identified by its make and license plate number. Any vehicle that displays a Temporary Visitor Parking Permit not assigned to the vehicle to which it was registered will be considered unauthorized and may be towed. A "Temporary Visitor Permit Request Form" must be filled out to request a Temporary Visitor Parking Permit. Please contact the Management Company for a copy of this form. Those specific guest vehicles are required to display the Temporary Visitor Parking Permit provided on the dashboard of their vehicle while parked in any designated

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common area parking space. The Temporary Visitor Parking Permit will assure the Association and its agents that the guest vehicle is authorized and, therefore, will not be subject to the standard monitoring of parking recurrence.

5.J. TOWING PROCEDURE:

- 5.J.1. TOWING PROCEDURE: Any vehicle that is parked in a common area parking space within Colony Barcelona that does not properly display a valid red Visitor Parking Permit Placard or Temporary Visitor Parking Permit will be monitored and recorded by the security company and may eventually be towed.

Vehicles parked in a marked common area space without a red Visitor Parking Permit Placard or Temporary Visitor Parking Permit will be issued a courtesy "Violation Notice" for the first or second violation in a calendar month.

A vehicle parked in a marked common area space more than two (2) times in a calendar month will be issued a "Notice of Intent to Tow in 24 Hours". Beginning twenty-four (24) hours after the Notice of Intent to Tow is issued, that vehicle is subject to towing, at the owner's expense, with NO FURTHER NOTICE for the remainder of the calendar month.

Towing from the community premises at the owner's expense is performed in accordance with the Association's governing documents and the California Vehicle Code, specifically, California Vehicle Code section 2658.2 which governs the "Removal of Vehicles from Common Interest Development." Thereafter, the vehicle may be towed again each time it is parked without a red Visitor Parking Permit Placard or Temporary Visitor Parking Permit for the remainder of that calendar month.

On the 1st day of the following calendar month, the entire process shall begin again.

Towing shall be enforced between the hours of midnight and 6:00 a.m., seven (7) days per week.

- 5.J.2. This section number is blank.
- 5.J.3. Failure to properly display the Parking Permit because it is lost, stolen, damaged, fallen out of sight or not hung properly, shall not exclude the vehicle from the towing procedure.
- 5.J.4. The Association or its designated agent or agency will not be responsible for the reimbursement of towing fees or for any damages incurred because of the removal of a vehicle that is in violation of the Rules & Regulations of the Association in accordance with California Vehicle Code Section 22658.2.C which governs the removal of vehicles from private property.

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5.K. PERMIT USAGE VIOLATIONS ENFORCEMENT PROCEDURES

All parking Permit violations are subject to any or all of the following enforcement procedures:

1. A "Notice of Intent to Tow in 24 Hours" followed in 24+ hours by tow.
2. Immediate tow and impound under the direction of the security company.
3. Fines may be imposed in accordance with the approved Association Fine Schedule.
4. Visitor Parking Permit privileges may be revoked indefinitely.

5.K.1. **TENANTS:** Homeowner member landlords should determine the parameters and use of their parking permits by their tenants within their private agreement. Each Homeowner Member Landlord will be solely responsible for their tenant's actions. Each Homeowner Member shall ensure that their tenants are apprised of the parking rules as defined herein and in the CC &Rs and the Rules and Regulations.

5.K.2. **RESPONSIBILITIES OF HOMEOWNERS:** Homeowners shall be responsible to ensure that renters, guests, contractors and delivery vehicles comply with the parking rules and they shall be liable for any fines that may be levied because of their violations.

5.K.3 **CONTRACTORS and VENDORS:** One vendor or contractor vehicle may park in the street in front of the residence when it is reasonably demonstrated that the close proximity of the vehicle is necessary for the continuing performance of the work and a driver is readily available, but only during normal work hours or during emergency situations. All other vehicles shall be parked in the visitors parking area. The Association is not responsible for citations issued to vehicles by city or county enforcement agencies parked in the fire lanes.

5.L. PARKING PERMIT EPILOGUE:

5.M. **EPILOGUE:** Red Visitor Parking Permit Placards and Temporary Visitor Parking Permits are intended for the specific use of primary passenger vehicles, which are authorized to be parked in Colony Barcelona designated common area parking spaces. These permits do not qualify vehicles to be parked in the streets, driveways, sidewalks, or lawns. Other unauthorized use of Visitor Parking Permits Placards not specifically mentioned in this document which are considered to be detrimental to the intended purpose of the parking rules may be judged by the Board of Directors of the Association as a violation and therefore subject to any or all of the enforcement procedures. Visitor Parking Permits Placards or Temporary Visitor Parking Permits do not exempt vehicles from the general parking rules. Your cooperation is appreciated.

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ARTICLE 6

COMMUNITY SAFETY

- 6.A. **WHEELED ACTIVITIES:** Bicycling, skateboarding, roller-blade skating, roller-skating, riding a scooter, and other similar wheeled activities not specifically mentioned are prohibited on Colony Barcelona streets and sidewalks. Bicyclists are required to wear an approved safety helmet while entering and leaving Colony Barcelona.
- 6.B. **DISPOSAL OF HAZARDOUS WASTE:** Disposal of hazardous waste and pollutants in the storm drains and gutters, such as oil, paint, and construction debris is prohibited and is in violation of the California Health and Safety Code 25189.5 and the San Diego Municipal Code Section 43.03. Homeowners shall be held responsible for violations caused by their contractors and may be fined and assessed clean up charges. Hosing off driveway and sidewalks is prohibited.

ARTICLE 7.

PETS (CC&R Art. 14.3.2, 14.3.8 & 16.4)

- 7.A. **CONTROL:** All dogs or similar animals shall be leashed at all times while outside the homeowner's unit or fenced yard. Retractable leashes and leashes longer than six feet (6) are prohibited. San Diego County Code: Sec. 62.669. Homeowners shall be liable for damages to person(s) or property caused by pets and animals that are in the custodial care of tenants and guests. More than two pets are prohibited. (CC&R 16.4)
- 7.B. **ANIMAL WASTE:** Pet owners and pet custodians are responsible for the immediate removal and clean-up of animal excrement. San Diego County Code: 62.670
- 7.C. **DISTURBANCES:** Each resident shall make reasonable provisions to ensure that their pet or animal does not create a nuisance or excessive noise. Excessive pet noise is in violation of Articles #14.3.2, #14.3.8 and #16.2, of the Colony Barcelona CC&Rs and the San Diego County Code 62.672. Contact the City of San Diego Noise Abatement Department. Tel: 619-236-5500 or Animal Control Tel: 619-236-4250. Pet disturbances should be reported to the management company after a reasonable attempt has been made to resolve the situation.
- 7.D. **PET GATE GUARDS:** Pet guards must be painted to match the gate color or should be clear plastic. They should be installed on the inside of the gate in a professional and workman-like manner. An architectural committee approval is required.

There are other enforceable rules and articles within the governing documents that have not been specifically mentioned. This document may be updated or revised from time to time in order to achieve the needs of the community. If you have any questions, concerns, or suggestions regarding the rules and regulations, please contact the management company. The board of directors, the management company and your neighbors wish to thank you for your cooperation.

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VIOLATION FINE PROCEDURE

The following procedure is in accordance with California Civil Code Section 1363 and will apply to all violations of the governing documents and rules and regulations. Owners may report violations to the Board of Directors via the Management Company by submitting a written notice describing the violation. The Board of Directors, Management Company, or Board Appointed Committees may also report violations that may be discovered during a walk through or by incidental discovery by any of the members or representatives. When a violation is reported, a procedure such as prescribed by law shall occur as explained as follows:

1. The Board shall send a written notice to the owner. The notice will contain a description of the violation, a demand for correction of the violation, a time limit for compliance and instructions regarding response to the notice, which shall include a written reply that compliance has occurred, or notice of work in progress status or request for time extension.
2. If the violation continues or is repeated, the Board shall give the owner a second notice of the violation. The notice shall specify a date not less than fifteen (15) days in advance to appear before the Board of Directors for a fine hearing.
3. At the hearing, the Board shall allow the owner to present evidence and testimony as reasonable under the circumstances. If the Board concludes that the alleged violation occurred, the Board may impose monetary penalties, temporarily suspend voting and common area privileges for a period not to exceed thirty (30) days or take any other disciplinary action permitted by the Governing Documents. The board shall inform the homeowner member of its decision within ten (10) days of the hearing date.
4. If the violation continues or is repeated, or if the response is otherwise unsatisfactory, the Board may impose additional or continuing fines until such time as the matter is satisfactorily resolved.
5. If the violation continues, or is repeated, the Board may also refer the matter to the Association's legal counsel. If required by Civil Code section 1354, mediation or arbitration will be offered. If a lawsuit is filed, the homeowner may be liable for the Association's legal costs and fees.
6. Under situations that require immediate attention, the board, the management company, or their agents shall request the participation of local Law Enforcement Agencies to perform enforcement duties involving conduct that may be in violation of civil or corporate codes and ordinances such as any of the following:
 - (a) An immediate and unreasonable infringement or threat to the safety of neighboring owners and/or properties. The homeowner may be called in for an immediate fine hearing.

Colony Barcelona Homeowners Association

RULES and REGULATIONS

Compilation of Updated Rules as of July 20, 2013

- (b) Pollution of the storm drain system (street gutters) as described by the San Diego Storm Water Pollution Program. The homeowner may be called in for an immediate fine hearing.
- (c) An immediate and unreasonable infringement or threat to the quiet enjoyment of neighboring owners and/or properties.
- (d) A traffic or fire hazard,
- (e) A threat of material damage to, or destruction of, the Common Area. If the conduct is determined to be in violation of the Association's governing documents, then the board reserves the right to schedule a hearing in accordance with the Colony Barcelona fine procedures.

FINE SCHEDULE

Fines for first time violations may be levied in accordance with the following schedule:	
Activities that are hazardous and threatening to the safety of neighboring owners and/or properties	up to \$500
Storm Drain Pollution	up to \$250
Use Restrictions (ARTICLE #2)	up to \$250
Vehicle and Parking Restrictions	up to \$250
Unauthorized improvements to Property (ARTICLE #3)	up to \$250
Any violation of the Bylaws, CC&R's, or Rules and Regulations not specifically mentioned	up to \$250

Fines shall be in addition to an assessment equal to any applicable cost of repair. Fines for continuing or repeated violations may be doubled with each repeat occurrence, at the discretion of the Board. For the purposes of this Fine Schedule, a "continuing or repeated violation" shall be one, which is assessed to a single lot within a twelve-month period. However, should a twelve-month period pass without any violations, a first notice to correct the violation must be sent by the Association prior to imposing any fine. Three (3) or more violations assessed to a single lot in any six (6) month period may result in an additional fine of up to \$500.00, at the discretion of the Board.