

COLONY CLUB HOMEOWNERS ASSOCIATION

Architectural Guidelines/ Rules & Regulations

September 23, 2013

ARCHITECTURAL REVIEW COMMITTEE GUIDELINES
RULES OF ENFORCEMENT
VIOLATION PROCEEDINGS
GUIDELINES FOR HEARING PANEL
ASSOCIATION RULES

THE COLONY CLUB HOMEOWNERS ASSOCIATION

ARCHITECTURAL GUIDELINES/ RULES & REGULATIONS

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COLONY CLUB HOMEOWNERS ASSOCIATION RULES

STATEMENT OF GENERAL PURPOSE

To implement Article VII of the CC&Rs which charges the Board to enforce architectural standards for the Colony and to appoint an architectural committee to approve or deny homeowner applications to alter the exterior of their home, fence, wall or other structures, and landscaping which may be visible from the street and common areas.

- 1) Fully completed applications shall be submitted by homeowners in writing on the proper forms as directed on the application. Each application will be judged on conformity to current Architectural Guidelines. The Guidelines will describe standards and materials that homeowners may use for maintaining or improving their property. The Guidelines will also include the architectural approval procedure, violation procedures, hearing panel procedures, and penalties, fines and special assessments.

In addition to reviewing applications, the Architectural Review Committee (ARC) shall also:

- 2) Develop and furnish or cause to be furnished the Architectural Guidelines and standards to all members by delivering each updated version within 30 days of adoption to the homeowner address of record with property manager.
- 3) Review and approve or deny all submitted applications within thirty (30) days of receipt by property manager, or at a monthly ARC meeting in person.
- 4) Ensure timely completion and conformity with approved applications.
- 5) Receive and act upon, or refer to property management to act upon, written comments and complaints from members involving matters within the ARC's jurisdiction.
- 6) Maintain, or direct the property manager to maintain, records of any subsequent changes or alterations to the original application. This applies to replacements, upgrades, and/or additions and includes doors, windows, paint color, fences, driveways, roofs, patio covers, etc., and landscaping visible to public view.

I. Architectural Approval Procedure

Purpose

To maintain the architectural character of this community as it has been established by the original design, it is necessary that modifications made and the materials and colors used be compatible with those presently existing. The ARC, by setting standards and approving proposed additions or alterations, does not desire to stifle creativity but to assure a continuity of design which will help maintain appearance and enhance the overall value of each homeowner's property.

Homeowners are reminded that stamped approvals must be obtained from the Colony Club ARC for additions or alterations exposed to public view or requiring encroachment on adjoining property. In addition, a permit may be required from the City of Irvine Community Development Department. Failure to obtain the necessary approvals may constitute a violation of the Declaration of Covenants, Conditions and Restrictions (CC&Rs) executed by the Colony Club Homeowners Association, and may require modification or removal at the expense of the homeowner.

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Procedure

A. Construction Drawings and Specifications

1. For major alterations, drawings and specifications shall be prepared in accordance with the requirements of the City of Irvine Community Development Department. It is recommended that major work be checked at the preliminary stage with the City of Irvine Community Development Department. Typical details and method of construction are available at:

City of Irvine
Community Development Department
One Civic Center Plaza
P.O. Box 19575
Irvine, CA 92713
(949) 724-6000

2. Major alterations, defined as any addition to the square footage of living space, area or pool shall require a set of architectural plans, prepared by a State of California architect or landscape designer, at the time of submittal of the application to the ARC.
3. For non-major work, drawings and specifications shall be prepared in accordance with the instructions and guidelines detailed in the ARC application forms.

B. Required Copies

Present final drawings, specifications and color samples for the ARC's study and approval.

1. One (1) copy shall be retained by the ARC.
2. One (1) approved copy will be returned to owner, who shall be responsible to see that this copy is maintained in good condition on the job.
3. One (1) copy of the complete application is to be kept by the property manager for permanent records.

C. Plan Submittals Shall Include

Homeowners are required to submit a current copy of the Architectural Alteration Application that will include all of the following items as may relate to desired changes:

1. Drawings (all shall be drawn to scale)
 - a. Plot Plan
 - 1) Indicate: Description, address, name of owner, north arrow, scale of drawings and brief description of work, home phone, cell phone (if applicable) and email address.
 - 2) Show lot lines accurately as to length of line, corners and amount of curve.
 - 3) Show all buildings, fences and other structures, existing, new or proposed.
 - 4) Show all dimensions on work to be considered, distances between new work and property lines.
 - 5) Indicate all walls, columns, openings and any condition or feature that will affect the exterior design of the building.

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b. Top Side and Front Plans

- 1) Indicate all exterior elevations of all buildings existing and new with all members drawn to scale showing principal dimensions (photographs, 3" x 5" or larger, of existing buildings may be accepted for the indication of existing structures).
- 2) Indicate and note all finish materials and textures on existing and new work.
- 3) Accurately describe the dimensions of all items and parts of plan and details.
- 4) Note all items on the exterior that cannot be clearly noted on the elevations.
- 5) Top side and front plans not needed for ground level, patios, driveways and walkways.

2. Specifications

- a. List of materials, quality and finishes.
- b. Description of uncommon materials as to weight, thickness, etc. (a sample may be submitted instead).
- c. Method of installation or application of materials.

3. Color

- a. All paint colors and combinations must be submitted in writing and approved.
- b. Colony color schemes will be maintained; also new work contiguous to existing painted areas to be painted to match.
- c. Samples of approved colors and color combinations are available for review at each ARC meeting.
- d. Color samples and/or paint chips of all paint or stain are required.
- e. Samples of materials with inherent colors are required.
- f. Colors selected for the house trim (defined as the wood/lumber that frames the stucco) may be a lighter or darker color than the color selected for the stucco. Wood facings representing a majority of the wood facade may not be a lighter color than the stucco. Specific color combinations must be approved by the ARC.
- g. A minimum of two (2), maximum of three (3) coordinated and acceptably contrasting colors shall be used on the building exterior, excluding garage door and front entry.
- h. White or almond color is approved for sectional garage doors (as manufactured) and patio structures of vinyl-covered wood) or powder-coated metal (as manufactured).
- i. Wood garage door paint color is to be coordinated with the house colors.
- j. A special accent paint color for entry door only may be approved upon application.
- k. There shall be no striping of contrasting colors.

D. Right of Entry

When construction work requires the use of adjoining property for purpose of transporting labor and materials or for the temporary storage of materials for the work, the applicant shall obtain written permission from the adjoining property owner (including the Association, if the property adjoins a greenbelt) for "Right of Entry" during the course of construction. A copy of this letter granting permission shall be filed with the ARC prior to *start* of construction.

E. Changes During Construction

Changes from a previously approved application that involves exterior appearance requires approval of the ARC before proceeding.

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F. Workmanship

The work must be performed in a manner consistent with the standards of the general dwelling construction and appearance of the community. Any work considered of lesser quality than the prevailing community standards will be required to be touched up or reworked to an acceptable appearance at homeowner expense. Job site should be kept as clean as possible. Equipment noise must conform to current City of Irvine ordinance.

G. General

1. Appeals

If plans and specifications submitted to ARC are denied, the party or parties making such submission may appeal in writing to the BOD.

The written request must be received by the Board not more than thirty (30) days following the final decision of the ARC. The Board may submit such request to the ARC for review, whose written recommendations will be submitted to the Board. Within sixty (60) days following receipt of the request for appeal, the Board shall render its written decision. The failure of the Board to render a decision within said sixty (60) day period shall be deemed a decision in favor of the appellant.

2. Enforcement

Failure to obtain necessary approval from the ARC may constitute a violation of the Declaration of Covenants, Conditions, and Restrictions (CC&Rs) executed by the Colony Club Homeowners Association and may require modifications or removal at the expense of the Homeowner.

3. Violations

All residents have the right to bring to the attention of ARC or property manager, in writing, any violations of any provision or standards herein. Refer to Violation Procedures section.

4. Variances

The Architectural Review Committee and the Board of Directors reserve the right to vary from the procedures or standards as established herein.

5. Time Period

Work must be completed within ninety (90) days of the date of approval. If not, approval will be considered void and a new application for approval shall be required. Extensions for extenuating circumstances will be considered if submitted in writing.

6. Special Submission Requirements for ARC and BOD Members

Approval for any application where the homeowner/applicant or their spouse is a member of the ARC or BOD shall require the approval of both Association entities. The homeowner/applicant is required to abstain from the vote on his/her/their submission.

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II. Architectural Standards

General

Materials, colors, and construction techniques shall be approved by the ARC prior to construction or alteration to exterior.

A. Room Additions, Eaves, Balconies, Fascias, and Awnings

Structural or material additions or alterations of the exterior of any building shall conform to materials, colors, character, and detailing as established on the existing dwelling.

B. Ponds, Swimming Pools, Spas and Fountains

1. Construction, drainage, and fencing shall conform to the City of Irvine building codes and health ordinances. Drawings must indicate geographically the means of entry and access to the property for proposed construction. Equipment noise must conform to current City of Irvine ordinance.
2. Fountain height shall not exceed four (4) feet if visible from street or common area.

C. Fences and Walls

1. Extension and replacement of fencing and walls shall conform to the dimensions, styles, materials, workmanship, and visual standards currently existing, established and approved within the tracts.
2. Structural framing or the unfinished side of a fence varying from existing standard fences shall not be exposed to any public street, sidewalk, walkway, greenbelt, park, recreation area, or neighboring lot.
3. Acceptable materials for fencing and walls shall include:
 - a. Wood
 - b. Wrought iron bars (front/decorative fencing and gates only)
 - c. Masonry or stucco if materials conform to type, quality, color and character of masonry or stucco used elsewhere in the tract
 - d. Vinyl or composite products must be approved on a case-by-case basis. Type, color and brand must be included in submission
4. Unacceptable fencing materials include:
 - a. Aluminum or sheet material
 - b. Chicken wire
 - c. Metal or plastic chain link
 - d. Plastic webbing, reed-or straw-like materials
 - e. Corrugated or flat plastic or *Fiberglas®* sheets
 - f. Rope or other fibrous strand elements
 - g. Glass block
 - h. Lattice-work
5. Additions to rear and side-yard fencing shall not exceed existing fence height.

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6. Colors for fences and walls:
 - a. Fences or walls at specially designated locations (such as fences/block walls lining Culver, Walnut, The Mall, Scottsdale entrance) shall only be painted a specific color.
 - b. Except for designated fences, wood fences must be painted to match the trim or stucco of the house, or the color Oxford Brown.
 - c. Except for designated walls, the stucco or masonry walls (concrete block) must be painted a uniform color to match the stucco on the house or painted a white shade approved by ARC. Slump stone may be left in its natural state.
 - d. Wrought iron bars/fences/gates must be painted black or the color of the house trim or as approved on an application to ARC.
7. Fire hydrants shall not be impeded within 3 feet in all directions (no wall, fence, structure or plant material other than grass for Fire Dept access).

D. Roofs, Patio Structures, Sunshades, Arbors, Trellises, and Gazebos

1. Structures in this section shall conform to construction and design standards established by the ARC if visible from the street.
2. Patio covers and patio structures shall be of wood, vinyl covered wood or wood-like aluminum or prevailing building materials.
3. Sunshade, arbor, trellis and gazebo structures shall be of wood construction only with the exception of vertical supports, which may be of metal or masonry or of prevailing building materials. Substitutions may be approved by the ARC.
4. Height and placement of structures in this section shall not obstruct the neighbors' view. Permission from neighbor is not valid.
5. The structure shall be stained a natural medium to dark wood color or painted to match house colors, or an approved manufacturer color or white shade as approved by ARC.
6. Roofs shall conform to fire and building codes. Acceptable materials are pressure treated wood shake, aluminum or steel shake, slate / tile, and concrete tile / shake. Roofing material colors shall be dark gray, to dark brown, tones. Tile shall be in gray or brick tones. Repairs must be made of materials that match the existing roof materials.
7. Unacceptable construction materials for structures in this section shall include:
 - a. Corrugated *Fiberglas*®
 - b. Plastic webbing, reed or straw-like materials
 - c. Corrugated plastic
 - d. Asphalt / *Fiberglas*® composition shingles
 - e. Rock aggregate roofs
 - f. Lattice
 - g. Canvas
 - h. Screening
8. Structures in this section shall conform to any restrictions as set forth by the City of Irvine Community Development Department.

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E. Drainage and Fill

1. All lots must be maintained in such a manner to cause drainage of water to flow into adjacent streets and not to adversely affect neighboring properties.
2. Gutters, downspouts, or scuppers which are installed to control water shed from roofs shall be primed and painted to match adjacent surface color.

F. Signs

1. "For Sale" signs on residential lots are restricted to stake-signs. No large posts allowed.
2. Other personal signs put up by homeowners and not approved by ARC must be removed within a reasonable time. Garage sale signs must be removed within 2 hours after the event. Lost animal signs must be removed within 4 days. Use stand-alone stake-type signs. It is illegal to attach signs to government property (street signs, street lights, mailbox, etc.).
3. No signs may be placed in Common Areas without prior approval of the ARC or BOD.
4. Political signs protected by City ordinance are allowed as permitted by City rules.

G. Antennae

An "antenna" is defined as any device used for the reception of video programming services by way of Direct Broadcast Satellite (DBS), television broadcasts, or multi-point distribution service (MDS), provided that DBS and MDS antennas as defined include only DBS and MDS antennas no larger than one meter in diameter or diagonal measurement.

1. DBS and MDS antennae may be installed if no larger than one meter in diameter or diagonal measurement.
2. Antennae designed to receive television broadcast signals may be installed. Transmission-only, citizens band, shortwave, family radio, scanner, amateur radio, and all other types of antennae are prohibited.
3. If a television broadcast antenna can receive acceptable signals inside an attic within the home without unreasonably delaying the installation and without an unreasonable increase in cost, outdoor installations are prohibited.
4. Antennae shall be shielded from view from streets, common areas, and neighboring homes within the Community to the maximum extent possible; provided, however, that this rule is not intended to, and shall not be construed to, require a resident to place an antenna where a signal cannot be received, or in such a manner that would unreasonably increase the cost of installation or unreasonably delay the installation.
5. Exterior antenna wiring or cabling shall be installed so as to be minimally visible and must match the color of the building exterior as closely as possible.
6. Antennae/dishes are required to be installed to the rear of the house unless the side is better to conceal the view. Approval of the ARC is not required for installation. The homeowner is responsible for notifying the Property Manager to verify that the installation is in compliance with the Architectural Guidelines.

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H. Outdoor Lighting

1. Low voltage landscape lighting bearing UL approval is encouraged. Attempt to conceal source of light is recommended.
2. Flashing, glaring or revolving lights will not be permitted.
3. Christmas lighting in season is permitted from Thanksgiving through January 15. Removal from structures and landscape is required between seasons.
4. Lighting for other holidays is permitted for one (1) week before to one (1) week after holiday.

I. Flagpole

Flagpoles shall be allowed on a property when plans are properly submitted and duly approved by the ARC, but in no case shall the height of the pole be in excess of eighteen (18) feet measured from the base of the pole and must comply with California Civil Code.

J. Mailboxes

Mailboxes are allowed as free-standing units in front or side yards but must conform to postal service regulations as to curbside placement and not hinder pedestrian access to sidewalks. Mailboxes can also be attached to building structure or built into the house.

K. Storage Sheds

All storage sheds over the height of the wall / fence that are visible from the street must be approved by the ARC prior to construction or installation.

L. Windows and Entry Doors

1. ARC approval is only required before installation of new windows, entry doors or screen doors if visible from the street.
2. Windows may be tinted with ARC approval. No reflective materials may be used to create a mirror effect from the outside.
3. Window trim material may be of wood, vinyl or foam products with ARC prior approval. Examples of acceptable foam products for window trim can be viewed at ARC meeting.
4. Entry doors may be wood, steel, prevailing industry building material or Fiberglas® with glass or other industry standard transparent/opaque inserts. Sidelights are allowed.
5. Entry doors may be painted or stained to match home, or may be painted in a selected accent color as approved. Approved manufacturer colors are white or almond, or stained medium to dark wood tone, or as approved in application to ARC.

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M. Exposed Equipment and Trash Disposal

1. Air conditioning units, water softeners and other such equipment cannot be exposed to public view.
2. Basketball backboards attached to the house are permitted in the front yard under the following conditions and must have prior ARC approval
 - a. Backboards must be permanently bolted.
 - b. Backboards and nets must be kept in good condition and replaced, re-stained or repainted when showing signs of wear.
 - c. All support standards must be painted or stained to match mounting surface.
 - d. Plexiglas® backboards are approved and are not required to be painted.
 - e. No additional lighting for night play shall be permitted.
 - f. The backboard shall not be used after noise curfew hours set by City of Irvine.
3. Portable basketball backboards shall be permitted under the following conditions and must have prior ARC approval:
 - a. Portable basketball backboards can be brought to the front yard or driveway while being used and must be put away at side of house or in backyard when not in use.
 - b. When used in backyard, the backboard shall be placed in such a position as to minimize visibility from outside the yard.
 - c. Backboards and nets must be kept in good condition and replaced, re-stained or repainted when showing signs of wear.
 - d. No additional lighting for night play shall be permitted.
 - e. The backboard shall not be used after noise curfew hours set by City of Irvine.
4. Receptacles known as "dumpsters" shall be permitted only on owner's property or directly in front on the street. Receptacles shall not obstruct traffic. Receptacles shall be removed as soon as possible and are permitted to be in the Colony for a maximum of thirty (30) days. Extensions must be obtained in writing beforehand from the ARC.
5. Furniture, and all other such "FREE" items are prohibited anywhere in public view.
6. Donations to charitable organizations are allowed but must be clearly marked and in public view for 24 hours only.
7. Trash cans and recycle bins can be in public view for a maximum of 24 hours per week.
8. Children's portable play houses, slides and other play equipment including skateboards and bicycles are permitted in the front yard under the following conditions:
 - a. Children's play equipment may be brought to the front yard or driveway while in use and must be stored out of sight at the end of each day in the garage or backyard.
 - b. Play equipment may not block or obstruct public sidewalks or street areas.
9. Swings, swing sets, permanent play houses, trampolines or climbing structures are allowed in backyard only.
10. Children's play equipment may not be left or stored on any island or common area in the Association. Swings or play equipment may not be attached to any tree or other structure on any island or common area in the Association.

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N. Landscaping

To preserve the aesthetic value of landscaping, considerations involving the blockage of views, required maintenance, tree height and spread with respect to adjacent structures and lot lines, and other such considerations should be made to avoid future nuisances. Questionable situations must be reviewed by the ARC.

1. No front yard structure or trees or series of trees, etc., will be allowed that may cause a safety hazard, especially any that obstructs the view of the sidewalk from a driveway.
2. Trees adjoining public sidewalks must allow a clearance of a minimum of eight (8) feet over the sidewalk and fifteen (15) feet clearance over public streets.
3. Any proposal to use decorative rock, gravel, sand, or any other artificial rock substance in front yard shall be submitted to the ARC.
4. Synthetic grass may be installed with prior ARC approval. It must be maintained in good condition, repaired, replaced or removed as necessary. Samples of acceptable synthetic grass are available for review at regular ARC meetings.
5. Hedges or plants adjacent to a public sidewalk shall be kept under a maximum height of 3 ½ feet wherever the view of the sidewalk from a driveway may be obstructed and creates a safety hazard, and shall be kept trimmed to allow unimpeded pedestrian traffic on public sidewalks and streets. No hedge, shrub or tree shall be allowed within three (3) feet of a fire hydrant for Fire Dept. access.
6. No shrub or other plant with thorns (e.g., rose, natal plum, cacti, etc.) shall be allowed to spread within one (1) foot of the sidewalk since that will be considered a safety hazard.
7. Yards shall be kept free of weeds, dead plant materials, dead lawns and other debris.
8. Agricultural/produce plantings are permitted in backyards only.
9. Bark/mulch must be a natural earth tone product (brown shades only). Rubber bark/mulch is not allowed. Color-enhanced wood products, in any color, are not allowed.
10. Bees, hornets, wasps or other stinging insect nests must be eradicated as soon as possible for the safety of all homeowners.

O. Solar Energy and Skylights Guidelines

1. Due to seismic and structural issues, all solar energy system plans must be approved by both the City of Irvine Community Development Department and the ARC.
2. All collectors must be approved by the City of Irvine.
3. All supply and return pipes must be painted the same color as the materials they pass over between pump and collectors.

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4. All piping headers must be installed and covered by support structure for collectors or encased by wooden structure. This structure should be painted to correspond with the trim and stucco colors. Wood is to be rough-sawn when exposed.
5. Collectors should be installed, when at all possible, without materially decreasing the efficiency of the system, where they will not be visible from the street.
6. Pumps are to be located to minimize noise to the neighbors.
7. Passive and greenhouse systems are to be painted the same color as the trim on the house, and if aluminum roof is used, the fascia will be trimmed with rough-sawn board matching the existing fascia board.
8. Similar guidelines apply to solar electric panels and associated batteries and other equipment.
9. Skylights, if trimmed with wood, must be painted to match the existing roofing material color. Some installed plastic domes, if one piece, may be exempt from wood trim color requirement at the discretion of the ARC.

P. Garage Doors

1. Garage doors must be approved by ARC and conform to City of Irvine housing/building codes. Garage doors must be made of wood, aluminum, vinyl, steel or prevailing building material, and use only colorless glass or plastic for optional windows.
2. One piece or sectional wood garage doors must be painted to conform to house colors. Natural wood finish (stain) is permitted.
3. Sectional garage doors of other than wood construction in white, off-white or almond colors as manufactured are acceptable.

Q. Driveways and Walkways

1. All alterations or changes to driveways or walkways must be submitted for approval to the ARC before installation.
2. Acceptable materials include: cement/concrete, brick, pavers, stone and rock.
3. Coatings, stamped/colored concrete are generally acceptable materials, but require ARC approval. A color brochure must be attached to the application.
4. Unacceptable construction materials for use in this section shall include:
 - a. Asphalt
 - b. Crushed stone, gravel or other aggregate rock
 - c. Straw, bark or other landscaping materials
 - d. Metal or metal shavings
 - e. Wood
5. All driveways and walkways must be maintained in good condition. Driveways require repair/replacement if there is grass or weeds between sections, wide cracks, heaved or uneven sections. Unsightly oil or rust stains must be removed from driveways.

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R. Trucks, Recreational Vehicles, Campers, Trailers and Boats

This rule is intended to further define and clarify Article VIII (Use Restrictions), Section 10, of the CC&Rs, with respect to the parking of trucks, recreational vehicles, campers, trailers, boats, and other similar types of vehicles and related equipment.

1. None of the following vehicles shall be parked, placed, or maintained in a public street or on any property unless within an enclosed garage.
 - a. Any commercially used vehicle larger than ½ ton
 - b. Trucks and vans, exceeding 20 feet in length and 7 feet in overall width
 - c. Travel trailers, campers, motor homes, mini-motor homes and buses
 - d. Truck campers: Any structure placed on a truck which exceeds 1 foot above the cab of the truck
 - e. Boats
 - f. Trailers
2. Camper shells and tents shall not be placed or stored within view from the street.
3. Fitted car covers in white, beige, silver or gray tones are allowed but must be kept in good condition and repaired or replaced when torn or faded. Tarps in any color are not allowed.

S. Vehicles Repair, Trade and Activities

This rule is intended to further define and clarify Article VIII (Use Restrictions), Sections 5, 7 and 10, of the CC&Rs, with respect to enhancing the attractiveness of the Association residential area and quiet enjoyment of residents residing in the Association.

1. All repairs or restoration on any motor vehicle, boat, trailer or other must be wholly within the owner / occupant's garage.
2. No vehicle (or parts thereof) which is in a wrecked, dismantled or inoperative condition shall be parked or placed on any property, unless within an enclosed garage. A vehicle is inoperable if it is mechanically incapable of being driven or prohibited from being operated on a public street or highway due to license, registration, equipment, safety or other related matters.
3. All oil spots and debris must be cleaned up from driveways.
4. No trade or activity shall be conducted on any property, which may be, or may become, an annoyance or nuisance to the neighborhood, or which shall in any way increase insurance rates or interfere with the quiet enjoyment of neighbors.
5. No vehicle may be parked continuously on any street, or in the clubhouse parking lot, within the tracts for a period exceeding 72 hours.

T. Conditions Not Defined or Included

Any condition or material not defined or included within these Guidelines shall be denied. The BOD may grant variances only under the appeal process. The Colony Club BOD and ARC reserve the right to amend and revise these rules and regulations as deemed necessary.

One copy of each updated Guidelines will be sent to the homeowner at the address of record. Additional copies may be obtained from the property manager.

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III. Violation Procedures

NOTIFICATION AND WARNING LETTERS

Every effort will be made by the ARC to recognize problems and communicate with the homeowner when difficulties arise in complying with Architectural Guidelines and Rules.

1. A Courtesy letter will be sent to the homeowner notifying them of the specific violation.
2. If, after 30 days, the violation still exists, a warning letter will be sent to the homeowner notifying them that the violation has not been corrected.
3. If, after an additional 30 days, the violation still exists and differences cannot be resolved, the ARC or property manager will approach the Colony BOD to request that a notice of Hearing Panel be issued.

Sample notice as provided by Colony Club Homeowners Association attorney:

“Dear Homeowner,

The Hearing Panel Committee requests your attendance at a private Hearing to discuss the alleged non-compliance issue of _____.

The hearing is scheduled for:

Time _____ on Day _____ Date _____ at the Colony Clubhouse.

You have the right to present oral and written evidence and to confront and cross-examine adverse witnesses.

It is determined that IF you remain in non-compliance as alleged, the Association may impose a fine against your property, and your membership/corporate privileges may be suspended. Fines and suspensions can be continuous until the violation is cured.

Should you choose not to appear, the Hearing will be held in your absence. The Hearing Panel Committee of the Colony Club Homeowners Association may also elect legal action to gain your compliance with the Association Governing Documents.

If you are unable to attend this hearing, you must submit a written explanation of the reason for the alleged non-compliance to the Hearing Panel Committee, sent to the property manager at the address below. The written response must be received before 5:00 p.m. at least two (2) business days preceding the Hearing to be considered by the Hearing Panel Committee.

Please be advised that for as long as the violation remains unresolved, Civil Code requires you to provide a copy of the notice to every prospective purchaser of your property. Furthermore, pursuant to the same Civil Code, the notice, and all prior notices, shall not be deemed a waiver of the Association’s right to enforce the governing documents against any purchaser of the property.

Sincerely,

On behalf of the Hearing Panel Committee

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HEARING PANEL PROCESS

The Hearing Panel is designed to be a dialogue between the homeowner and the Association. The homeowner may present his side of the conflict and have the opportunity to confront and cross-examine those bringing the allegation(s).

Any Association rules violated will not be fined or penalized without following procedural safeguards (By-Laws, Article III Section 3 (c) (I)-(6))

The ARC or property manager shall provide the request for Hearing Panel, in writing, to the BOD including the homeowner's name, address, alleged violation and substantiation of the allegations(s).

A Notice of Hearing Letter will be sent to the homeowner stating the alleged charges, time, date, and place of the Hearing Panel. The letter shall also include an explanation of the homeowner's right to present oral and written evidence and to confront and cross-examine adverse witnesses. The letter will be sent via first-class mail.

The Hearing Panel date shall be set not less than 30 days and not more than 60 days from the date of the letter.

The Hearing Panel shall deliver to the member so charged within seven (7) days after the Hearing Panel a written decision which specifies the fines or penalties levied, if any, and the reasons therefore.

In the event that a Member shall correct an alleged violation prior to the Hearing Panel date, the Board shall discontinue the proceedings.

COLONY CLUB HOMEOWNERS ASSOCIATION RULES

Penalties, Fines and Special Assessments

1. Whereas it is the policy of The Colony Club Homeowners Association to protect the rights and privileges of the Members and to enforce the CC&R's, Bylaws, Rules & Regulations and Architectural Guidelines of the Association. Therefore pursuant to the authority vested in the BOD of said Association by the CC&R's and by the Bylaws, the following system of penalties, fines and special assessments is hereby established and supersedes all previously adopted systems for such penalties, fines and special assessments.
2. This system shall be binding on the Members of the Association and shall not be the exclusive remedy of the Association to deal with violations of the CC&R's, Bylaws, Rules & Regulations and Architectural Guidelines. Members shall be responsible for the acts or omissions of the guests, lessees or invitees.
3. All penalties, fines and special assessments, pursuant to this, shall be imposed by Board or Hearing Panel action after reasonable notice and hearing as set forth in this document.
4. Fines, penalties and special assessments shall become an obligation of the owner and shall be billed on the Member's regular quarterly statement/ledger.
5. An offense will be considered repeated if done so within a twelve (12) month period.

SCHEDULE OF FINES, PENALTIES AND SPECIAL ASSESSMENTS

TYPE OF VIOLATION	1 ST LETTER	2 ND LETTER	3 RD LETTER & CALL FOR HEARING	4 TH LETTER & SECOND HEARING & SUBSEQUENT HEARINGS
	1 st observation	After 30 days non-compliance	After 60 days non-compliance	continued non-compliance
Failure to comply with or violation of CC&R's, Bylaws, Rules or ARC Guidelines	Courtesy Letter	Warning Letter	\$100.00 Fine	\$200.00 Fine
Common area damage caused by the willful act or negligence of an owner, family member, guest or tenant.	\$100.00 plus repair costs and / or legal action	\$200.00 plus repair costs and / or legal action	legal action	legal action

Repeat violations may be assessed a fine of \$10 per day, after review of the Hearing Panel, at a duly called Hearing. The fines shall commence once the repeat violation (in writing) has been delivered to the homeowner address of record with property manager.

Depending upon the nature and severity of any violation of the Rules or CC&R's, the Association reserves the right to proceed directly with legal action in place of writing letters and imposing fines.

COLONY CLUB HOMEOWNERS ASSOCIATION RULES

HEARING PANEL COMPOSITION AND GUIDELINES

1. Qualifications:

- A. Member of the Colony Club Homeowners Association.
- B. Member shall not be delinquent in Association dues or have outstanding liens against any lots in the tract or be in violation of the Association Governing Documents.

2. Length of Service:

- A. The length of service will be for one year.
- B. Maximum of two (2) years consecutive service will be allowed.
- C. Appointments will be made by the BOD during the organizational meeting that directly follows the Annual Meeting of the membership, and as needed.

3. Composition:

- A. One panel member will be a member of the BOD, who shall be elected liaison by the BOD.
- B. The other two (2) members shall be homeowners whose Colony Club Homeowners Association responsibilities shall not conflict with those of the Hearing Panel.
- C. Three (3) alternates to be appointed by the BOD.

4. Decisions:

- A. Shall be consistent with the CC&Rs, By-Laws, Rules and ARC Guidelines of the Colony Club Homeowners Association.
- B. Shall be unanimous.
- C. Fines shall be assessed to your account.

5. Notifications:

- A. Those involving official actions of the Hearing Panel or the Board shall be sent by first-class mail to the Homeowner's address of record.
- B. The panel shall deliver to the Member so charged, within seven (7) days after the Hearing Panel, a written decision which specifies the fines or penalties levied, if any, and the reasons for the decision.
- C. Copies of all official notifications, including those which find the charged homeowner to be in substantial compliance, shall be maintained in the official Colony Club Homeowners Association records.

COLONY CLUB HOMEOWNERS ASSOCIATION RULES

IV. Adoption

ADOPTION

These Rules & Regulations were adopted by Colony Club Homeowners Association Board of Directors on September 23, 2013, pursuant to Article III, Section 3, of the By-Laws.

President: _____

Date: _____

Print Name: _____

Secretary: _____

Date: _____

Print Name: _____