



Bonita Highlands Homeowners' Association

P.O. Box 458

Bonita, CA 91908-0458

January 2020 Revision

## **RULES and REGULATIONS and ARCHITECTURAL CONTROL GUIDELINES**

To all Bonita Highlands Homeowners and Tenants:

*This is a summary of guidelines regarding the external appearance of residence lots and the common land. It is designed to remind homeowners of the most frequent violations of the CC&Rs and of home improvements that require prior approval by the Bonita Highlands Board of Directors (Board). This summary is not complete, and you should refer to your CC&Rs or consult the Board of Directors if you have any questions. Rules and regulations apply equally to homeowners and to tenants.*

This January 2020 revision supersedes all previous Rules and Regulations and ACC Guidelines.

### **1. STRUCTURAL ALTERATIONS/IMPROVEMENTS.**

Property improvements such as additions, patio covers, pools, driveways, retaining walls, horse barns, tack rooms, ADU/JADU, etc., require written approval by the Board of Directors (Board) prior to the commencement of work (CC&Rs, art 10.4). The board has devised a form titled Structural Change Request (SCR) to be used to submit requests in writing. Use of this form is required. Copies of SCR forms can be downloaded from the HOA website or requested in writing. Board approval is to ensure conformance with community standards within the Association. It does not constitute approval of engineering and/or construction plans, nor does it substitute for any permits that may be required by the County of San Diego. These are the sole and separate responsibilities of each homeowner.

1.1. Exterior improvements to existing dwellings or the construction of new structures shall use materials similar to and compatible with those originally used by the Builder.

1.2. Fiberglass or metal patio covers made of corrugated or sheet stock are not permitted. Covers made of metal or structural plastics resembling wood may be considered, provided their colors blend harmoniously with the colors of house or trim. As of this writing, a County permit is required for a solid patio cover of 300 square feet or larger. See para 6.4.

1.3. Replacement roofs must be approved in advance by the Board, and new structure roofs must be of fire-resistant materials other than wood shake or shingles. A list of approved products simulating the original tile or wood shake is maintained by the Board. Asphalt and composite shingle roofing materials are not approved for installation.

1.4. All pools and spas (in ground or above ground) require prior Board approval. Back yard setbacks must be observed whenever possible. If access involves the open space, the pool builder is required to provide a bond or a Certificate of Insurance with the Association Treasurer prior to construction.

1.5. One sheet metal, wood, or vinyl storage shed not greater than one hundred forty-four (144) square feet in base area and not greater than eight (8) feet in height shall be permitted on each lot. It must be painted to match the stucco or trim color of the house. Sheds should be located as unobtrusively as possible and are to be kept in good repair. All permanent storage sheds require Board approval prior to installation and must adhere to buildable space side and rear yard setbacks. County permits may be required. Storage sheds shall not be fitted with electricity or plumbing.

## **2. MAJOR REPAIR OR REPLACEMENT.**

In the event that all, or a major part of the residence or outlying buildings must be repaired or replaced (due to accident, fire or other calamity), repairs or replacements shall be made in substantially the same form and size as before the loss occurred. All plans to rebuild or restructure shall be subject to the review and approval of the Board and shall conform to current architectural standards.

## **3. EXTERIOR APPEARANCE.**

3.1. Color changes of the stucco, wood, security bars, ornamental wrought iron, or other exterior materials require prior approval of the Board. Color and appearance are to be consistent and harmonious with the earth tone type colors originally instituted by the Builder. Painting or coating of driveways in colors other than a natural gray concrete color requires prior approval of the Board. Other driveway material changes require prior approval by the board prior to installation (pavers, colored concrete, etc.).

3.2. Installation of security bars and ornamental wrought iron require Board approval. Color must be black or painted to match the trim. Rain gutters painted brown or the color of the trim are acceptable.

3.3. Freestanding basketball backboards are not permitted in the front yard areas. Subject to prior approval of the Board as to size, color and location, basketball backboards may be attached to the garage or dwelling. Backboards shall be maintained in a proper manner, including periodic painting and replacement of torn nets. Damaged boards must either be repaired immediately, or the entire backboards and brace complexes removed. All portable sporting equipment (including portable basketball backboards), used in the front yard must be removed when not in actual use.

3.4. Awnings and exterior, rolling, security shutters are not permitted on windows which are visible from the street. However, rolling-type security shutters may be mounted on the interior of a residence's windows that are visible from the street. Awnings and exterior, rolling shutters are allowed on windows which are not visible from the street (e.g., rear or side windows). However, they must be maintained so as to present a well kept, nearly new appearance. Permitted awnings may be made of cloth, wood or metal and must be painted or colored so as to match the color of the trim or main-wall color of the house. Installation of any exterior awnings or rolling, security shutters does require Board approval. Installation requests must state that they (awnings or rolling shutters) will only be mounted on windows which are not visible from the street. Sun screening on windows shall be a commercially manufactured product specifically designed to limit or reduce sunlight entering the house.

3.5. Wind turbine ventilators shall be painted a color that best blends with the roof.

3.6. External antennas. Subparagraph 9.1.7(ii) of the Covenants, Conditions and Restrictions is now invalid, having been made so by the Federal Communications Commission (FCC) regulations and supporting court rulings. The current Association policy is as follows:

3.6.a. Antennas, towers or masts for citizens band, amateur radio, or other communication radios are prohibited in locations visible from the street or other residence lots.

3.6.b. Satellite TV dishes or Multichannel, Multipoint Distribution Services (MMDS, commonly known as wireless cable) antennas larger than one meter (39.4 inches) in diameter or diagonal measurement are prohibited.

3.6.c. Small satellite TV or MMDS antennas less than one meter in size, or standard television broadcast antennas, are authorized by FCC regulations. If a mast is required in order to receive an acceptable signal, it is limited to twelve (12) feet in height above the roof – or to a lower height, if necessary, to ensure that the antenna would fall within the owner’s lot in the event that it toppled.

3.6.d. Homeowners wishing to install an authorized TV antenna should plan the installation to be as inconspicuous as possible (consistent with receiving an acceptable signal), preferably near the rear of the house. If the antenna will be visible from the street, it must be painted to match the color of the house trim or to blend into the background, as appropriate. Owners must notify the Board of Directors of the planned installation, with a sketch showing where the planned antenna will be located on the house and its height above the roof. Prior approval of the Board is not required; however, the Board will monitor installations to ensure conformance with FCC guidelines.

3.7. The Flag of the United States may be displayed on a single pole or staff. Additionally, one individual military service or POW flag may be flown upon the same staff, provided that it is flown below our National Ensign, or be flown separately and at a lower height in company with the Flag of Our Country.

3.8. One holiday/seasonal flag at any time may be displayed as a yard decoration. It shall be appropriate to the holiday/season, and at no time shall it be displayed at a height above the Flag of Our Country.

3.9. A maximum of three (3) garage sales per home per year is permitted. More than three per year are considered to be a commercial operation, which is prohibited by the CC&Rs.

3.10. Only one standard-sized “For Sale” or “For Rent” sign is permitted. “Garage Sale” and “Open House” signs may be displayed only during the actual day of the event. Flags, pennants, or other visible displays designed to attract attention are not permitted. Only one (1) security system sign is allowed.

3.11. The display of one (1) political sign during a political campaign will be permitted on a residential lot. The sign may be placed on a stake or sign stand, with a maximum height of two feet and six inches (2’6”), in either the front yard or in a window of the residence or garage. In either location, the sign itself cannot be larger than sixteen inches (16”) by twenty-four inches (24”) in size. The sign can be alternated between different candidates or issues, but only one (1) sign with one (1) message is permitted on a property at one (1) time. No political signs shall be permitted in the Open Space. Political signs may be placed 45 days prior to an election date and must be removed not later than two (2) days after the election date.

3.12. Exterior lighting and other displays for Christmas, Hanukkah, and other religious holidays may be displayed for four (4) weeks prior to the holiday and must be removed from view from outside the residence lot two (2) weeks after the holiday.

3.13. The installation of Solar panels require Board approval.

3.14. Tents for any residential purpose are not allowed to be placed on lots. No tents or canopies shall be permitted on premises where they may be readily viewed from the street. Temporary "event tents" or canopies, such as for wedding receptions, church events, graduation parties, etc., may be placed on lots for the duration of the event only and shall be limited to a period of 96 hours, unless otherwise approved by the Board in writing.

## **4. FENCING.**

4.1. Solid fencing, including walls, is not permitted in front yards (forward of the front face of the house on the house side, and front face of the garage on the garage side). Corner property owners should contact the Board for possible fencing restrictions. Front yard fencing (from the structure toward the street) shall be permitted if it is a minimum of 80% open fencing not exceeding thirty-six (36) inches in height (for example: split rail). Chain link fencing will not be permitted where it can be seen from the street. Chain link fencing that can only be seen from the riding and hiking trails is permitted.

4.2. Freestanding walls in front yards are not permitted.

4.3 Maximum height of all fencing, unless otherwise restricted, is six (6) feet.

## **4.4. RETAINING WALLS.**

4.4.a. Wall height. Retaining walls more than two (2) feet high require Board approval prior to installation. All retaining walls shall be limited in height to no more than eight inches (8") higher than the level of the ground they retain. Wall height is but one factor of the County Requirements. Other factors, such as the type of materials used, footings and location, the slope of soil or material retained by the wall, etc., must be considered. The County has some standard retaining wall guidance on its' website which should be consulted.

4.4.b. County permits and Board liability. Where necessary, County permits must be obtained. The homeowner remains totally and wholly responsible for any subsidence or other damage caused by the retaining wall, including a neighbor's property and structures.

4.4.c. Retaining walls are approved by the Board based solely only on appearance or esthetic value. Neither the Board nor its staff have the expertise to judge the technical merits of a retaining wall. It is incumbent upon the homeowner to ensure that County Building Code and permit requirements are met. It is recommended by both the County and Homeowners' Association that a homeowner who is unsure of the County Code requirements consult a licensed contractor or design professional.

4.5. Every effort will be made by the Board to keep all fencing as harmonious as possible with the architectural character of the Bonita Highlands. Wood fencing shall be left natural, stained a natural wood color, or painted to match the color of the house.

## **5. LANDSCAPING.**

5.1. Minor landscape work generally does not require Board approval. Major landscape work or change, however, requires the prior approval of the Board.

5.1.a. Size and Grading/Regrading. Landscaping deemed to be major is any of the following: a modification to more than 25% (or 1500 square feet, whichever is less) of the front yard area, or more than 40% (or 2500 square feet, whichever is less) of the side yard, rear yard or side parkway areas; any grading change that would modify the original grade and drainage provided by the builder. All landscape and grading work which affects the original lot drainage installed by the builder shall be evaluated by a design professional. The signed report of the design professional shall be submitted to the Board for approval prior to beginning work.

5.1.b. Materials used. The total front yard shall not be less than 30% live material (e.g., lawns, shrubs, trees, etc.), not counting concrete, bricks, pavers, bark mulches and other manufactured or compounded materials. The use of bark mulches should not exceed 20% of the total front or side parkway areas. Bark mulches should have a weed barrier placed underneath to avoid grass and weeds from growing through. Red mulch is not allowed.

5.2. Artificial turf (grass). An exception to the mixed use of living and manufactured landscaping materials is the professional installation of quality, artificial turf (grass), which presents the appearance of natural green grass when viewed from a distance of three feet. Once installed, it must be maintained by the homeowner so as to continue to present the appearance of a natural, healthy green lawn. Any artificial turf (grass) installation requires the approval of the Board of Directors prior to installation. Previously used artificial turf from school grounds, athletic fields and such which contain lines, logos and other markings are prohibited.

5.3. All landscaping must be maintained. Landscape maintenance includes: application of adequate water to support existing plantings, cutting/trimming of lawns, thinning/trimming of ground cover, and control of excessive growth by pruning, trimming, weeding, etc. Hedges and large bush type plants, groups of plants, and thick juniper are limited in height to three (3) feet in front yards and six (6) feet in back yards. Heavy growth of trees and shrubs must not be allowed to damage the roof or siding of the residence. Trees that overhang sidewalks, common areas or roadways shall be trimmed so as to not obstruct passage of pedestrians or vehicles, as applicable. Landscape maintenance also includes:

5.3.a. Control of weeds that tend to grow in driveway and sidewalk cracks, as well as the seam between the asphalt and the concrete curb apron.

5.3.b. Shrubs, trees, and other plants growing onto the open space or into a neighboring residence from a residence lot must be cut back by the homeowner to end the encroachment.

5.3.c. Dead trees, bushes or other formerly live landscape materials shall be removed by the homeowner.

5.4. Proper drainage of lots is usually towards the street, and landscaping shall not prevent this flow. Where a brow ditch is on a residence lot, it is the responsibility of that homeowner to maintain the ditch and keep it clear of obstructions to facilitate drainage. Failure to comply may result in liability for damages caused.

## **6. STRUCTURAL REPAIRS AND MAINTENANCE.**

6.1. All domicile, fence, storage, and animal sheltering structures must be maintained in sound condition, regardless of whether visible from the street or open space/horse trails. Repair (or replacement equivalent to repair) does not require Board approval, provided color or structural appearance is not changed. Homeowners must maintain in a condition of good repair all fencing abutting trail entrances and/or open space lots.

6.2. Graffiti on residence lots must be removed, and any damage caused by vandalism must be repaired immediately following any insurance or law enforcement investigation.

6.3. Driveway maintenance includes removal of oil and/or rust stains and the filling of any surface voids or holes.

6.4 As of this writing, a County permit is required for a solid patio cover of 300 square feet or larger. Patio covers of 300 square feet or larger which consist of a material change require a new permit. If the cover is 300 feet or larger and is replacing an existing cover with the same material, the original permit should be submitted with the SCR requesting the replacement.

## **7. PARKING.**

7.1. All vehicles, including automobiles, motorbikes, etc., which are parked and unmoved for more than seventy-two (72) hours and are not behind fencing and within view from the street, are defined by the Board to be “stored.” As such they are subject to Articles 9.1.7 (viii), 9.1.8 and 14.1 of the CC&Rs (unless previous permission has been given by the Board in writing (e.g., owners are away on vacation).

7.2. Campers, motor homes, trailers, dune buggies, boats, and other recreational vehicles must be stored in a place screened from view from the street. (It is acknowledged that taller units may not be completely screened from view due to fence height.)

7.3. Covering a vehicle with a car cover does not constitute screening.

7.4. Exceptions to the time limit (because of vacations or visitors) may be arranged with the Board of Directors.

7.5. Parking of vehicles is only permitted in driveways or parking areas beside driveways consisting of solid concrete, pavers, bricks or other similar materials, as approved by the Board. Parking of vehicles is not permitted on gravel, gravel-like materials, grass, other lawn-type vegetation or dirt in the front of a residence.

7.6. Parking of commercial vehicles with dual rear wheels or larger in size than a pickup truck or van is prohibited unless garaged or screened from view, as in paragraph 7.2 above. Similarly, the parking of any vehicle displaying large, commercial advertising is prohibited. Large commercial service vehicles are allowed to be parked only during the period that they are actively engaged in providing a commercial service to a residence. The parking of ancillary commercial vehicles, such as trailers, also is prohibited.

## **8. STORAGE.**

Equipment, garbage cans, recycling bins, woodpiles, storage piles, etc., shall be kept screened from the view of neighboring residence lots (Article 9.1.6) and the street. Garbage cans and recycling containers must be kept behind a screened fence, in the back or side yard, and not visible from the street when not placed at the street for collection. Trash and recycling containers, debris from gardening, trimmings and other trash may not be placed at the curb prior to 5:00 p.m. the day before pick up and must be removed from the street by midnight on the day of pick up.

## **9. COMMON AREA (a.k.a. OPEN SPACE).**

9.1. In general, the common area is to be used only by homeowner pedestrians, equestrians, and non-motorized vehicles. With prior Board approval, homeowners may enter the common area with motorized vehicles for access to the rear of their residence lot (a surety bond may be required). Other motorized vehicles allowed on the common area are those of contractors doing business for the Association. Motorized vehicles may enter "Horse Ring Road" from Corral Canyon Road or the Mirar Court trail entrance only for the purpose of loading or unloading of horses and/or equestrian equipment in the ring area. Horses are not allowed on the three lawn areas of the common area. The cultivated and irrigated slopes (Corral Canyon Road, Sprinter Lane, Horse Ring Road, Corral Canyon Park area) and the cultivated and irrigated cul-de-sacs (Jockey Way, Yearling Court, Snaffle Bit Place) shall not be used in any way that may cause injury to the plants or damage to the irrigation systems.

9.2. Dumping of any material onto the common area is prohibited. "Material" includes, but is not limited to, trash, rubbish, garbage, tree trimmings, shrub trimmings, rocks, concrete, soil, building materials, and animal waste.

9.3. A homeowner shall not cause water or any other liquid to enter the common area from the homeowner's residence lot.

9.4. Landscaping, cultivation, and/or irrigation (except as authorized by the Board) of any part of the common area are prohibited. The cutting down or trimming of trees or shrubs in the common area is prohibited. Homeowners may trim (weed-whack) a distance not to exceed six (6) feet onto the common area from the property line of homeowner's residence lot. Homeowner can write, FAX or E-mail the Association if he/she believes that special work is needed.

## **10. ADU/JADU OR BUSINESS OCCUPATIONS.**

10.1.a. Allowed ADU/JADU quantity. One Accessory Dwelling Unit (ADU) and one Junior Accessory Dwelling Unit (JADU) are allowed per property. An ADU is a separate dwelling unit, referred to as a granny flat; and a JADU is a junior dwelling unit attached to a residence, meaning a converted garage. Either unit constructed must conform to and be in accordance with BHHA conformance requirements plus County and State building code requirements and permitting.

10.1.b (1) Street view maintained. The original frontal appearance of the property must be maintained. ADU and JADU entry doors shall not be visible from the street. Access and egress from ADUs must be maintained from the front of the property (no rear or side lot entrances are allowed). No trail access for trucks, construction equipment or any vehicles is permitted. All access to be from the County street onto Owner's property. No drainage of water or refuse to hillsides or Open Space; all drainage must go underground to the County road. Above ground hoses or drainage tiles are not permitted.

10.1.b (2) Mailboxes. Additional mailboxes are not permitted.

10.1.b.(3) ADU/JADU Utility Hook-ups. Utilities/services provided to an ADU/JADU shall be permanently tied/linked to the main dwelling unit's utilities/services. This includes utilities and/or services for electricity, water, sewer, and trash, which shall be included on billing statements sent to the homeowner(s) of the main dwelling unit.

10.1.b.(4) ADU/JADU Square Footage and Setbacks. JADU unit to be no more than 20% of dwelling or 500 square feet whichever is less, unless the JADU is to comprise the entire garage, which is acceptable. ADUs to be no more than 50% of dwelling square footage or 800 square feet whichever is less; ADUs are intended to be granny flats, not independent residences. All ADU/JADU units require a County permit and proof of such to BHHA prior to start of construction. Setbacks for inhabited ADU are 10 feet for side yards and 20 feet from back property line.

10.1.b.(4)(a) ADU Height. ADUs can only be one story; no two story ADUs are permitted. ADUs are limited to 14 feet in height. ADUs/JADUs cannot block neighbor's view of Open Spaces, Bonita Meadows or skyline view. Property division disallowed. There is no right to divide property underlying ADUs/JADUs or sell separately from the fee simple land titled in owner's name.

10.1.b.(5) Construction timeframe. ADU/JADU construction must be completed within four (4) months from start of construction and require the approval and completion of a BHHA Structural Change Request (SCR). These units must conform to the Rules and Regulations of BHHA concerning approved building materials (i.e. roofs, paint colors, etc). The BHHA also charges an administrative fee of \$500 per unit to offset staffing costs incurred when dealing with additional units. A County occupancy permit must be provided and accepted by the BOD prior to occupancy.

10.1.c. On-site homeowner occupancy documentation. All titled homeowner(s), 100% of ownership, who desire(s) to add an ADU or JADU must occupy either the primary dwelling unit or the ADU/JADU. Non-resident homeowners are precluded from constructing either an ADU or JADU. When a Structural Change Request (SCR) is submitted to the BHHA Board of Directors (BOD) to construct an ADU and/or JADU, proof of residency will be required by owner(s). Additionally, an annual affirmation of owner occupancy shall be provided in conjunction with the state-mandated Annual Notice for Address, Representative, and Rental Status reports, which the BHHA is required to send to homeowners annually along with the BHHA Audit Report.

10.1.c.(1) Initial ADU/JADU Proof of Residency. Homeowner residency documents must be forwarded with a completed SCR form when initially requesting BOD approval of an ADU/JADU project. A Post Office box address in Bonita is insufficient for this propose. The BHHA SCR form must also state, and be signed by the homeowner(s) of record with 75% ownership, that they intend to continue to reside on site for the foreseeable future. Three of the following residency proofs shall be used, each having the homeowner's name and address clearly marked on it:

- A copy of an existing utility bill;
- A copy of homeowner's driver's license;
- A bank statement
- A letter from Social Security Office
- A Letter from Public Assistance Office
- A paycheck stub
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10.1.c.(2) Recurring Occupancy Documentation. When a SCR form is initially submitted to the BOD for approval, the homeowner(s) must also agree to verify their on-site residence every year using the criteria identified in 10.1.c.(1) above. Failure to provide verification shall result in a fine of not less than \$500, which will be levied against the owner of the property, who shall remain responsible for all fines against occupants of the ADU/JADU.

10.1.d. ADU/JADU Rentals. If ADUs/JADUs are rented, they must be rented for terms longer than 30 days. This is intended to preclude short term (B&B" or Airbnb") types of rentals. The property homeowner will provide BHHA with the name and phone number of renters currently occupying ADU/JADU units, including copies of any lease agreement, contact phone numbers and email addresses. Failure to provide this information within ten (10) days of rental or occupancy of ADU/JADU will result in a fine of \$500 monthly until provided.



10.1.e. PETS. The primary single family residence is allowed to have only two (2) pets. No additional pets associated with ADU/JADU units will be allowed due to noise nuisance and sanitary concerns. Failure to follow the rules and regulations concerning the number of pets allowed will result in a fine of \$500 monthly until removed.

10.2. General. Conducting business in the home may be permitted, provided the business is benign in nature, is safe and does not constitute either a hazard or a nuisance. The business may be regarded as being in compliance with our CC&Rs with the express provision that each of the following conditions is met:

10.2.a. There shall be no exterior evidence of the conduct of a home occupation.

10.2.b. An at home business occupation shall be conducted entirely within a dwelling or an attached garage.

10.3. Electrical or mechanical equipment which create visible or audible interference in radio or television receivers or cause fluctuations in line voltage outside the dwelling unit are prohibited.

10.4. Residents of the dwelling units, and no more than one non-resident employee, may be engaged in the home occupation.

10.5. Limited indoor storage of goods or supplies (1,000 cubic feet maximum) may take place within no more than one room of the dwelling and/or in the attached garage (provided required parking on-site is maintained and properly located).

10.6. There shall be no on-premise sale of goods. Occasional transport of goods from the premises for off-site sale may occur.

10.7. The establishment and conduct of a home occupation shall not change the principal character or use of the dwelling unit involved.

10.8. There shall be no signs identifying or advertising the home occupation.

10.9. A home occupation shall not create vehicular or pedestrian traffic in excess of that which is normal for the zone in which it is located.

10.10. Bulk storage of hazardous material (greater than five (5) gallons) is prohibited, including flammable, toxic, corrosive and/or caustic material.

## **11. DAY CARE FACILITY.**

11.1 Day care facilities are permitted in accordance with CA Health and Safety Codes 1597.40, 1597.44, 1597.465 and 1597.531. (COMMENT: In summary, these Health and Safety codes set forth requirements for licensing, rental property notification to landlord or property owner, and liability insurance. Refer to these codes for more comprehensive legal requirements.).

## **12. BOARD APPROVAL PROCEDURES.**

12.1. Project approval requests are to be in writing. The use of the SCR form previously mentioned should speed the request processing form. Two sets of plans shall be submitted to the Board not less than thirty (30) days before starting the project. The plans should be comprehensive, including dimensions, color, building materials, and location of the improvement on the property.

12.2. The Board will attempt to respond promptly; however, if no decision is given within sixty (60) days of the Board's receipt of complete information approval will be automatic.

12.3. Upon approval of request, one set of plans and an approval form will be returned to the homeowner and should be retained in his permanent records. The duplicate set will be retained in the Association's permanent files.

12.4. Any alterations, improvements, modifications or changes made by a homeowner without appropriate Board approval are subject to citation and such remedial or enforcement action as the Board may deem appropriate.

### **13. ENFORCEMENT: VIOLATION PROCEDURE.**

13.1. The following procedure will apply to all violations and infractions of the governing documents and rules and regulations. Homeowners may report violations to the Board of Directors by submitting a written notice describing the violation. The Board of Directors, or committee appointed by the Board may also note any violations discovered during drive-through or by personal knowledge of any of its members or representatives.

13.2. At the time a violation is noted or reported, action will be taken as follows:

13.2.a. A first notice to correct the violation will be sent by the Association. The notice will contain a description of the violation and instructions regarding response to the notice and correction of the violation.

13.2.b. If the violation continues or is repeated, or if the response is otherwise unsatisfactory after the first notice, the homeowner will receive a notice of a monetary penalty and be afforded an opportunity to appear before the Board or an appointed committee either by appearing personally or by submitting written testimony. The hearing date shall be at least five (5) days before the effective date of the monetary penalty. The notice shall be delivered to the homeowner personally, by first class mail, or by certified mail to the last address of the homeowner shown on the Association's records at least ten (10) days prior to the scheduled hearing. The Board or committee shall give fair consideration to the homeowner's oral or written testimony in determining whether to impose a penalty.

13.2.c. If the violation continues or is repeated, or if the response is otherwise unsatisfactory, even after the imposition of a monetary penalty, the Board or its appointed committee may impose additional fines following the hearing schedule until such time as the matter is satisfactorily resolved.

13.2.d. If the violation continues and/or remedial action is not taken by the homeowner, or if fines are not paid, the Board may elect to take any or all of the following actions in accordance with the provisions of the California Civil Code:

13.2.d.(1) Pursue the matter through mediation or arbitration;

13.2.d.(2) Refer the matter to the Association's legal counsel;

13.2.d.(3) Proceed to Small Claims Court. (Note: if a lawsuit is filed, the homeowner may be liable for the Association's legal costs and fees.)

13.3. Homeowners who wish to have a property manager or other agent notified in the case of any violation may arrange to do so by written notification to the Association of the name, address, and contact numbers of that agent. The setup fee to incorporate this additional notification is \$100.00, payment of which must accompany the written request to include a third-agent notification. Additionally, a per-occurrence notification fee of \$5.00 will be charged to the homeowner with payment due within thirty (30) days for each and every notification. Failure to pay this fee on a timely basis shall serve to cancel this third-party arrangement. The inclusion of a third party agent will in no way relieve the homeowner of his/her responsibilities as set forth in our CC&R's and Rules & Regulations.

**(Note: This provision applies to Notices of Violation only. Assessments and associated fees, legal actions and fees and other such issues and communications remain the direct notice responsibility of the homeowner.)**

13.4. Since it is time-consuming and costly for the Homeowners' Association to locate a homeowner who has moved, it is the homeowner's responsibility to advise the Homeowners' Association promptly of any change of mail address. Failure to do so may result in the assessment of a \$100 fine by the Homeowners' Association.

13.5. Governing rules of the Association require advance approval for certain major modifications to homes or residential lots. A homeowner's failure to acquire such approval before starting such a modification may result in assessment of a \$100 fine.

## **14. ENFORCEMENT: FINE SCHEDULE.**

14.a. Reasonable fines shall be levied in accordance with the following minimum fine recommendations: (NOTE: The Board may vote to impose higher fines than the suggested minimums).

- 14.a.(1) Hazardous Activities (Risk of harm to persons or property) .....\$150 Minimum
- 14.a.(2) Use Restrictions..... \$100 Minimum
- 14.a.(3) Stored Vehicle and Parking Restrictions.....\$150 Minimum
- 14.a.(4) Unauthorized Improvements to Property.....\$200 Minimum
- 14.a.(5) Per Discretion of Board, Any Violation of the Bylaws, CC&Rs,  
or Rules and Regulations not specifically mentioned..... \$100 Minimum
- 14.a.(6) Failure to provide annual verification of residency for ADU/JADU structure..... \$500 Minimum  
on property.

14.b. Failure to correct violations on a continuing basis, or repetition of the same violation, may result in the levying of additional fines on an accelerated-scale basis, as may be determined by the Board.

Correspondence with the Board of Directors can be mailed, Faxed or E-mailed to:  
Bonita Highlands Homeowners' Association  
P.O. Box 458  
Bonita, CA 91908-0458  
FAX: (619) 479-2200  
E-Mail: bhighlander@cox.net

14.c. Homeowners or tenants may also speak to the Board of Directors at any of its regularly scheduled monthly meetings.

FOR THE BONITA HIGHLANDS HOMEOWNERS' ASSOCIATION

A handwritten signature in black ink, appearing to read "Michael R. Seiler". The signature is fluid and cursive, written over a horizontal line.

Michael R. Seiler  
President

Date: March 10, 2020



*The Bonita Highlands  
Homeowners' Association*  
P.O. Box 458  
Bonita, CA 91908-0458

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