



*"Quality Service With a Personal Touch"*

## VILLA FONTAINE CONDOMINIUM ASSOCIATION

September 27, 2023

Re: Revision of Rules and Regulations

Dear Homeowner(s):

At the Board of Directors meeting on September 6, 2023, the attached Rules and Regulations were revised. Before the Rules can be officially adopted, the owners are given twenty-eight (28) days to review the Rule changes and give their comments or suggestions. You may send your written comments to the Board of Directors via the Management company. The final revised Rules will be adopted at the November 1, 2023, meeting.

**Changed items: Verbiage added to clarify the rule.**

Pg. 3 - Architectural Rules: All modifications, including doors, windows, and installation of camera and or video surveillance systems, require Board approval.

Pg. 5 - Pet Rules: Residents must register their pets with the Management Company.

Pg. 5 - Plumbing Issues: For any plumbing issues, call our Management Company, Pernicano Realty & Management, Inc (616) 543-9400, before you call a plumber.

Pg. 6 - Rental of Units: No lease or rental shall be for a period of less than thirty (30) days, or for hotel, transient, or time-share purposes. The owner of a lease or rented unit shall notify the Management Company of the tenant's name(s), contact information and vehicle information. A fee will be charged to add or change information and billed to the owner.

Pg. 6 - Smoking: Smoking is strictly prohibited in all Common Areas, including balcony and patio areas.

When adopted this will supersede all previous Rules. It is the responsibility of off-site owners to provide the revised Rules to their tenants. If you would like an electronic copy of the revised Rules, please contact me at [ellie@pernicanorealty.com](mailto:ellie@pernicanorealty.com) or my assistant at [jax@pernicanorealty.com](mailto:jax@pernicanorealty.com).

Sincerely,

A handwritten signature in blue ink that reads "Ellie Murphy".

Ellie Murphy, CMCA, AMS  
On behalf of the Board of Directors  
Villa Fontaine Condominium Association

Enc.



**VILLA FONTAINE CONDOMINIUM ASSOCIATION  
5103-5127 FONTAINE STREET  
SAN DIEGO, CALIFORNIA 92120**

**RULES AND REGULATIONS**

**Revised November 1, 2023**

**Dear Homeowners, Residents and Guests:**

The Board of Directors, comprised of homeowners, have spent long hours of study and debate in order to formulate a set of Rules and Regulations deemed to be in the best interest of all homeowners. Each homeowner who rents their unit is responsible for supplying their non-owner resident(s) with a copy of the 2006 Amended and Restated Declaration of Restrictions for Villa Fontaine also known as Covenants, Conditions and Restrictions (CC&Rs) and this set of Rules and Regulations.

All violations of the CC&Rs and/or Rules and Regulations should be reported to the Association's management company in writing. Reports should include the nature of the violation, date, time, location, and person(s) responsible.

**Pernicano Realty & Management Company**

2851 Camino Del Rio South, Suite 230

San Diego CA 92108

Manager: Ellie Murphy

**(619) 543-9400 x 5223**

Fax (619) 543-9625

[ellie@pernicanorealty.com](mailto:ellie@pernicanorealty.com)

Mon – Fri 8 a.m. – 4 p.m.  
(24-hour emergency service)  
858-569-5702

**THANK YOU**  
**The Board of Directors**

## FINE AND ENFORCEMENT POLICY

ADOPTED JANUARY 16, 2008

In order for the Rules and Regulations to be effective, they must have equitable enforcement procedures. Listed below are the procedures which have been adopted by the Board of Directors.

<b>First Offense:</b>	<b>Warning Letter</b>	
<b>Second Offense:</b>		<b>\$ 50.00 Fine</b>
<b>Third Offense:</b>		<b>\$100.00 Fine</b>
<b>Fourth Offense:</b>		<b>\$200.00 Fine</b>
<b>Fifth Offense:</b>		<b>\$500.00 Fine</b>

Fines and legal action, as deemed appropriate by the Board of Directors, may be taken at any time after the Owner is given an opportunity for a hearing.

**EXCEPTIONS:** Violations of Parking Rules may result in the immediate towing of a vehicle, at the vehicle owner's expense, without notice. Actions of owners and/or non-owner resident(s) and guests(s) which create cost for the Homeowners Association, may be billed for all costs incurred and the possibility of fines levied.

**COLLECTION:** Fines, legal fees and reimbursable costs will be added to the owners account and are payable immediately. Fines and legal fees not paid may result in further legal actions.

**UNIT OWNERS ARE RESPONSIBLE FOR VIOLATIONS OF THEIR GUEST(S), THEIR NON-OWNER RESIDENTS(S) AND THE GUEST(S) OF THE NON-OWNER RESIDENT (S).**

### **CONDOMINIUM: COMMON INTEREST DEVELOPMENT**

The term "Community" means a common interest development governed by a homeowners' association ("HOA") aka "The Association." The name of the HOA is Villa Fontaine Condominium Association. The term "Board" means the Board of Directors of the Association. The term "Common Area" means the entire Community except all Units shown on the Condominium Plan.

## **ARCHITECTURAL RULES**

All modifications, including doors, windows, and installation of camera and/or video surveillance systems, require Board approval. See CC&Rs, Article 7 – Architectural and Design Control for complete guidance on this matter.

## **CAR WASHING**

Per the 2006 Amended and Restated Declaration of Restrictions for Villa Fontaine (CC&Rs), washing vehicles was allowed once a month (Section 5.3.19). However, **effective January 01, 2010, The Board made a decision to disallow car washing going forward, in an effort to conserve water, and minimize water bill expenses.**

## **COMMON AREA RESTRICTIONS**

All areas outside the front door are considered Common Area. Any items of personal nature are prohibited without express written consent from the Board of Directors. Residents may display potted plants as long as they have a water collection dish underneath, do not impede the walkway, and are kept in good order. Skateboarding, bicycling and riding scooters are prohibited in the Common Areas.

## **DISPOSAL OF TRASH**

Trash must be disposed of immediately in the disposal containers (dumpsters) provided. It is NEVER okay to store trash outside one's front door for ANY length of time. Storage of any kind, however short-lived, is not allowed in any Common Area. This includes trash left outside the front door on its way to the trash bins, miscellaneous bags, and articles of clothing. We do not have custodial services on staff, so please do not discard cigarette butts and other refuse around the Common Area. Put all trash and recyclables inside the dumpsters, the refuse company will not pick up any items left on the outside of the containers. To conserve space in the dumpsters, break down all boxes and bulky items.

## **ELECTRIC VEHICLE CHARGING STATIONS**

Owner(s)/resident(s) would need to submit an application and follow the procedure in Civil Code Sections 4745. Owner(s)/resident(s) are not authorized to plug-in, and recharge their electric vehicle using Villa Fontaine's existing building electrical system. Villa Fontaine's electrical system does not have the capacity to support the excessive electrical load. The owner(s)/resident(s) would also have to pay for any/all expenses of said "charging station" for their vehicle in their garage or parking space. Since this area would have to be wired from the main electrical line down on Fontaine Street for the higher voltage required.

## **GARAGES**

For reasons of security, and appearance, garage doors are to remain closed at all times unless a resident is present in the garage. The storage of gasoline or other volatile fluids is strictly prohibited. Please turn out lights after use of the garage has been completed. Electricity use in the garages is billed to the Association; therefore, use of computers, refrigerators/freezers, power tools and other appliances that consume excess electricity in garages are prohibited. Excess energy usage in garages, which can be reasonably estimated at costing the Association over \$10.00 per month, will be billed to the owner of the garage as determined by the Board of Directors.

## **LANDSCAPING**

Personal landscaping on Common Property is not permitted. All landscaping in the Common Areas is to be done by our professional landscaper. Establishing or cultivating plant material in the Common Area is not permitted.

Please use the sidewalks and stepping stones for pedestrian traffic. Do not create "short cuts" through the landscape.

## **LAUNDRY**

Towels, rugs, swimsuits, clothing and the like are not allowed to be hung on balcony railings or porches.

## **MAINTENANCE**

Items which serve an individual unit or is considered *exclusive use property* shall be maintained by the unit owner served by that item or area (Civil Code 4775).

The following are individual owner's responsibilities:

- Air Conditioners
- Cable TV lines
- Dryer Vents
- Electrical lines to the unit circuit breaker box
- Mailbox lock
- Telephone lines
- Water pipes where the pipe(s) join a common line

## **NOISE**

No disturbing noise. Noise and disruptive activities by resident(s), guests and/or invitees shall not disturb, annoy, endanger, or inconvenience other residents of the building, neighbors, or workmen. Nor shall they violate any law, or commit nuisances in or about the premises.

## **PARKING AND VEHICLES**

There is no on-site guest parking in Villa Fontaine. Residents and guests may only use the numbered parking spaces assigned to their respective unit(s). Residents and/or guests violating this rule are subject to having their vehicle(s) towed at the vehicle owners' expense without further notification. If someone has parked in your space, please do not compound the problem by illegally parking in somebody else's space.

Parking space(s) are to be used for parking properly licensed and operable motor vehicles, except trailers, boats, campers, and buses. Resident(s) shall park in assigned space(s) only. Parking space(s) are to be kept clean. Vehicles leaking oil, gas or other motor vehicle fluids shall not be parked on the premises. Mechanical work or storage of inoperable vehicles is not permitted in parking space(s) or elsewhere on the premises.

Because of the problems of access, maneuverability, and the potential for severe property damage, large tractor trailer trucks are prohibited, whether for moving or any other purpose.

## **PATIOS AND BALCONIES AND DOORS**

All residents must comply with the Declaration (CC&Rs) regarding patios and balconies.

The Declarations (CC&Rs) section 7.3.7 states that owners shall not have the right to paint, decorate, remodel or alter any Exclusive Use Common Area or the Common Area without the prior written consent of The Board. Installation of any child safety net, shutter, screen, blind, curtain, drape or other appurtenance must have the express written consent from The Board. Plants, patio furniture and covered barbecues are considered appropriate furnishings with the following limitations:

- Plants must have a water collection dish underneath so that excess runoff does not rot or corrode flooring
- Patio furniture must be of outdoor type, no indoor furnishings on patios and balconies
- Barbecues must be kept clean and in working order
- Black screen doors on front entrances of units are approved

### **PET RULES (INCLUDES SERVICE AND THERAPY ANIMALS)**

Residents must register their pets with the Management Company. All dogs are to be leashed and cats must be under owner control at all times while outside of their unit or in the Common Areas. All pet owners are required to take their pet to the "Designated Pet Area" and pick up after their pet. Pet owners shall never allow their pet to defecate or urinate in any Common Area of the property. The Designated Pet Area is located on the east side of the property, adjacent the lower dumpster. Pet owners shall indemnify the Association and hold it harmless as to any loss or liability arising from a pet's presence within the Community. Nuisance to other residents including, but not limited to, excessive barking, defecating, urinating, destruction, debris, or running loose may be grounds for an order to remove the offending pet from the Community.

### **PLUMBING**

Please only deposit toilet paper in the toilet. Feminine products (tampons), baby wipes, and facial tissues clog the plumbing, and cause unnecessary and expensive repairs. Likewise, in the kitchen, discard large food waste into the trashcan instead of the garbage disposal.

### **PLUMBING ISSUES**

For any plumbing issues, call our Management company, Pernicano Realty & Management, Inc., at (619) 543-9400, before you call a plumber.

### **POOL AND SPA RULES**

- Hours are 8:00 a.m. to 10:00 p.m.
- Guests must be accompanied by a current resident and are limited to four (4) guests per unit.
- Loud and boisterous conduct shall not be permitted. No horseplay, running, diving, etc.
- No scuba equipment, surf mats, surf boards, rafts, inner tubes, floatation devices, etc. will be permitted in the pool or whirlpool spa. Life jackets for children are permitted.

- The thermal covering must be replaced after using the whirlpool spa.
- Because of easily clogged pool filters, please remove any adhesive bandages such as band aids, before entering the pool or spa.
- Everyone is responsible for cleaning up after themselves. Please leave the pool area in the same or better condition than when you arrived.
- UNDER NO CIRCUMSTANCES WILL GLASSWARE OF ANY KIND BE ALLOWED IN THE POOL AREA. Please use plastic or paper products.
- Do not use soap or soap products in the pool or spa.
- Patio furniture is not to be removed from the pool area.
- Rules for operating the spa are posted on the outside of the spa and must be followed explicitly.
- Please do not put cigarette butts in the pool or spa skimmers.
- PETS ARE NOT ALLOWED IN THE POOL AREA.
- Violators of the pool rules will subject the owner of the appropriate unit to be fined. Please report rule violations to the management company.
- Group events at the pool must be pre-approved by the Board

### **QUIET ENJOYMENT**

Resident(s) shall not commit nor allow to be committed any nuisance or other act that may disturb the quiet enjoyment of any other resident in the Community. Nuisances include, but are not limited to, excessive noise inside or outside of one's condominium unit or emanating from one's vehicle (ie: loud exhaust or radio). Any complaints from affected residents will be investigated by the Board of Directors and may result in warnings being issued to the offending resident(s), followed by fines for non-compliance.

### **RENTAL OF UNITS**

No lease or rental shall be for a period of less than thirty (30) days, or for hotel, transient, or time-share purposes. The owner of a leased or rented unit shall notify the Management Company of the tenant name(s), contact information, and vehicle information. A fee will be charged to add or change information and billed to the unit owner. All rules of the Association apply to renter(s). Unit owners are responsible for violations of their non-owner resident(s) and guest(s). It is the responsibility of the homeowner to provide their tenant(s) with a copy of the Rules and Regulations.

### **SAFETY FIRST**

Danger areas within our complex include the entry gates, roadways, and stairwells. Recreational activities of any kind in and around these locations should be avoided. Please inform residents and guests to only use these areas for ingress/egress and not for hanging out or for recreational purposes.

### **SMOKING**

Smoking is strictly prohibited in all Common Areas, including the balcony and patio areas.

**SOLICITORS** - Soliciting is not permitted in the Villa Fontaine complex. This is a private property and there are numerous "No Soliciting" signs posted. If solicitors, including political canvassers, knock on your door, inform them that they are trespassing and call the police 619-531-2000.

**SUSPICIOUS ACTIVITY** - If you notice any suspicious activity in or around the complex, call the police 619- 531-2000. Suspicious activity includes strangers, who do not live here, entering or hanging around the complex with no apparent business here. Remember, you are the eyes and the ears of Villa Fontaine.

**TERMITE CONTROL**

The Association will be responsible for the eradication of termites and the repair of structural damage (but not damage to personal property) caused by termites and other wood destroying pests in separate interest areas, as well as in the Common Area at the time of escrow. The repairs will be made at the discretion of The Board, and that other provisions of Civil Code 1364 apply. Owners must pay for routine inspections required by lenders, escrow and purchases.