

RULES

AND

REGULATIONS

- Adopted by the Board in April of 1990 and amended in June of 1998.

IMPORTANT NOTE FOR OFF-SITE OWNERS -
If you're an off-site owner, you should copy this information to your tenant. It is your responsibility to verify that they are aware of all the Rules & Regulations of the Bay Colony Association.

**BAY COLONY ASSOCIATION RULES AND REGULATIONS
ADOPTED BY THE BOARD IN APRIL OF 1990
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**BAY COLONY ASSOCIATION
RULES AND REGULATIONS
Adopted by the Board of Directors April 1990.**

These Rules and Regulations were developed to maintain our property values, to enhance our neighborhoods, and to promote harmonious living in the Association. The Bay Colony Association Board of Directors shall determine the definition of any terms or conditions herein, which are subject to interpretation.

For more information regarding the basis for these Rules and Regulations, please refer to the Bay Colony Association Covenants, Conditions, and Restrictions (CC&Rs) Sections specified in parenthesis at the beginning of each section. **Please also refer to the Bay Colony Architectural and Landscape Guidelines.**

1. COMMON AREA USE (Article IV, Section 4.9.5 - page 22)

Common Area Use Petitions: Common Areas may not be reserved for the exclusive use of any resident or group of residents. Should a resident wish to use a common area for an exclusive use social or recreational function, the resident must petition the Board of Directors in writing for a hearing a minimum of ten (10) days prior to the next regular Board meeting. The petition shall include the resident's name, address and telephone number; the date and purpose of the event and the number of people to be in attendance. The petitioner need not attend the Board meeting. The Board shall consider the petition at its next regular meeting, take all facts into consideration and shall render its written decision to the petitioner within three working days of the meeting.

2. DOCK USE, PRIVATE (Article V, Section 5.10 - page 33, and the Private Dock Agreement)

Dock Use Restrictions: Dock use shall be limited to the launching and enjoyment of up to two (2) small non-motorized boats. Storing barbecues, garbage containers, or sport/recreational apparatus, including boats, and other objects specified in the Guidelines, is prohibited on private docks. Light installations on docks are prohibited.

Small Boat Storage: Small, portable boats may be stored on the homeowner's property in an area that is not visible to neighboring homes. The Board of Directors shall determine the definition of a "small, portable boat." Boats must be maintained in a neat and attractive condition. Boat repairs may be performed on the owner's property, but the boat must be stored in an area not visible to neighboring homes between the hours of 5 P.M. and 8:00 A.M.

3. GARAGE USE (Article III, Section 3.15 - page 15)

Storage Limitations: Garage use shall be limited to storage of vehicles and typical household items only.

Garage Use Limitations: Garages shall not be remodeled or used for any purpose which would interfere with the accommodation of two full-sized passenger vehicles, or one, if a one-vehicle household.

Garage Doors: Garage doors shall remain closed except when entering and leaving the garage to maintain the attractive appearance of the neighborhood and to reduce the possibility of unlawful entry and theft.

4. GARBAGE AND RECYCLING CONTAINERS (Article 3.22 - page 17)

Container Collection: Garbage or recycling containers may be left at the street curb for pickup on the day scheduled in the area by the City. At all other times, containers must be stored inside a resident's garage or side yard. Containers may not be stored in the Association's landscaped Common area.

Garbage Containers: Garbage containers must be covered at all times to avoid odor and loose trash. The container shall be black, brown, dark green, pale blue or gray plastic or metal in sizes from 15 to 35 gallon capacity. If the City of Alameda offers an approved garbage container in the future, it will be acceptable.

Recycling Containers: The container size, type and use shall be dictated by the agencies collecting recycled materials.

5. HOUSEHOLD PETS (Article III, Section 3.21 - page 16)

Pet Limitations: A maximum of two pets per unit is permitted. A resident may petition the Board of Directors in writing a minimum of ten working days prior to the next regular board meeting to request a hearing before the Board to consider a petition for an exception to the two pet limitation. The Board shall hear the petition, take all facts into consideration, and render its decision in writing to the owner within five working days following the hearing.

Pet Behavior: No unreasonably noisy, destructive and/or aggressive pets are permitted at Bay Colony. The Board of Directors has the final authority to determine if a pet is unreasonably noisy, destructive and/or aggressive.

Pet Control: The CC&Rs require that pets shall be kept under reasonable restraint when outside of a resident's property either by leash, cage or hand-held. Owners must clean up fecal matter from their pets that have soiled the common areas, streets and sidewalks.

Domestic Birds: Birds may be kept inside or outside a house provided the birds do not disturb neighbors or damage common areas or commonly maintained areas.

Pet Complaint Procedures: When the Board of Directors or the Manager receives one verbal or written complaint regarding a pet, a First Notice will be sent to the pet owner. The Notice shall contain the specific nature of the complaint and the remedy sought. If two or more complaints are received regarding the same pet, or the Board determines the pet to be a nuisance, the pet owner will be called before the Board for a hearing regarding the complaints. The Board shall consider all facts and render its decision in writing to the owner within three working days

following the hearing. The Board may require the owner to remove the pet permanently from the Bay Colony property.

6. NOISE (Article III, Section 3.24 - page 17)

Noise Restrictions: Residents shall not create noise of any kind that is discernible on other property that interferes with concentration or sleep.

Landscape Installation and/or Construction Exceptions: Individual homeowners may install landscape or hardscape between 7:00 A.M. and 7:00 P.M. in accordance with the City of Alameda Noise Ordinance #2177.

**7. PARKING RULES AND ENFORCEMENT (Article III, Section 3.16 - page 15)
Revised June 2, 1998**

1. DEFINITIONS:

- a. A RESIDENT VEHICLE is defined as any vehicle which is the property of or under the direct control of a resident, tenant or property owner of the Bay Colony Association.
- b. A GUEST VEHICLE is defined as any vehicle that is not the property of or under the direct control of a resident, tenant or property owner of the Bay Colony Association.

2. GENERAL RESIDENT & GUEST PARKING RULES (also refer to Type 1 & Type 2 Parking Violations):

- a. Parking on the street is permitted only on the designated side.
 - b. Parking on the street is on a first come, first served basis regardless of individual dwelling proximity to available parking.
1. All residents and resident guests should first park within garages and driveways, as applicable.
- c. Street and driveway parking is designated only for motor vehicles used as normal transportation. NO BOAT, TRAILER CAMPER, GOLF CART, COMMERCIAL VEHICLE, MOTOR HOME OR RV shall be parked on the street or driveway.
 - d. No part of the street, parking strips or common areas shall be used for repair, storage, construction or reconstruction of any vehicle.
 - e. No part of any vehicle parked in a driveway shall extend onto the sidewalk, street or landscaped area. No vehicles shall be parked sideways (parallel to the street) or diagonal in a driveway.
 - f. No inoperable, excessively dirty, or dilapidated vehicle shall be stored on the

driveway of a residence or on the street.

- g. Guest vehicles parked beyond 14 consecutive days require the express approval of the Bay Colony Association Board of Directors. Notice must be given to the Association Manager of the project at least 10 days prior to the parking of the guest vehicle.
- h. Guest vehicles may be parked on the street or in the driveway of the host dwelling subject to these parking rules.

TYPE 1 PARKING VIOLATIONS

Subject to the monetary fining policy of the Association.

1. Parking in front of mailboxes between hours of 10:00 AM & 4:00 PM where notice has been given that the resident is not receiving mail.
2. Parking facing the wrong way.
3. Parking and/or storing an excessive amount of vehicles on the street and not utilizing garage or driveway space. Fining to occur as evidence is reported to the Association.
4. Storing a vehicle on the street for more than 72 hours as reported to the Association.
5. Parking/Storing of a Boat, trailer camper, golf cart, commercial vehicle, motor home or RV.

Parking Enforcement for Type 1 Parking Violations:

Please refer to the Association's approved Fining Policy.

TYPE 2 (HAZARDOUS) PARKING VIOLATIONS

Subject to Security Warnings, APD Citing, and Towing as applicable.

1. Parking in cul-de-sacs - No vehicle shall be parked in such a manner which will inhibit or block access to residences, garages, or parking areas or create a hazard for residents exiting and entering their residence.
2. Parking in marked fire lanes.
3. Parking in front of fire hydrants.
4. Parking on the wrong side of the street.
5. Blocking a driveway.

Parking Enforcement for Type 2 (Hazardous) Parking Violations:

Step #1: The Association shall issue a Courtesy Warning Notice on any vehicle violating any of

the above rules, excluding immediate hazards or unforeseen circumstances as they arise.

Step #2: The Association shall issue a 1st Violation Notice on any vehicle violating any of the above rules for a second time, excluding immediate hazards or unforeseen circumstances as they arise.

Step #3: The Association shall request the Alameda Police Department (APD) or Alameda Fire Department (AFD) to cite the vehicle for parking in violation of the Bay Colony Parking Rules (i.e., parking in NO PARKING ZONES AND FIRE LANE VIOLATORS), pursuant to the Alameda Municipal Code.

STEP #4: Subsequent violations shall result in the removal of the offending vehicle pursuant to all legal regulations. Vehicle owners shall be responsible for all towing charges.

8. PRIVATE STREETS (Article III, Sections 3.16 and 3.17 - page 15)

Private streets shall be used for driving and limited duration parking. Recreational activities are not permitted on private streets.

9. SIGNS (Article III, Section 3.13 - page 14)

Sign Placement Locations: Signs are permitted to be placed either in windows, or in the ground on private property upon the condition that it "... does not adversely affect public safety, including traffic safety, as determined by the City, County or City and County (CA Civil Code 713)." No sign is permitted in the Association Common Area. Traffic regulation signs or other signs approved by the Developer or the Board of Directors are excepted.

Sign Categories: Two types of signs are permitted to be displayed:

For Rent/For Sale signs shall be of reasonable dimensions and display the words "for rent" or "for sale", with the agent's name and telephone number. A maximum of two window signs may be displayed **or** one yard sign.

If the sign is placed in the owners private property, the sign must be of reasonable design and dimension. Any damage caused to the landscape or irrigation shall be repaired by the Association and billed back to the homeowner.

Campaign/Political signs are permitted, but must be removed within five (5) days following the election date.

10. SPEED LIMIT

The speed limit within Bay Colony Association private streets is 20 miles per hour.

11. SPORTS APPARATUS & RECREATIONAL USES (Article III, Section 3.19- page 16)

Temporary Installations: Temporary sports and/or recreational equipment higher than the Declarant-installed fence, as seen from ground level, may be used, but must be stored in an area not visible from the neighboring homes overnight or when not in use.

Exception Petitions: A resident may petition the Board of Directors for an exception to the permanent or temporary sports or recreational equipment structure, as described above, which exceeds the fence height. The petition must be submitted a minimum of ten (10) days prior to the next regular Board meeting. The Board shall hear the petition, consider all of the facts, and shall render its written decision to the petitioner within three working days of the meeting. The Board has the option to prohibit a temporary or permanent sports/ recreational structure or apparatus remaining in the Bay Colony Association project.

Refer to the Architectural Guidelines in regards to permanent or temporary Basketball Standards.