

RULES

AND

REGULATIONS

- Adopted by the Board in November 1996.

**FREEPORT HOMEOWNERS' ASSOCIATION RULES AND REGULATIONS
ADOPTED BY THE BOARD IN NOVEMBER OF 1996
INDEX**

	<u>Page</u>
BASKETBALL STANDARDS	4
CLOTHES DRYING APPARATUS	
COMMON AREA USE	
CURB STREET ADDRESS PAINTING	
DOCK USE, PRIVATE Dock Use Restrictions Small Boat Storage	
FIREWOOD	
FLAGS	5
FURNITURE	
GARBAGE AND RECYCLING CONTAINERS Container Collection Garbage Containers Recycling Containers	
GARAGE USE Garage Use Limitations Garage Doors	
INSECT TRAPS (ELECTRONIC)	
LIGHTS (SEASONAL)	
MAILBOXES	
MAINTENANCE STANDARDS	6
SECURITY SYSTEMS	

SIDEWALKS

NOISE RESTRICTIONS

Landscape Installation and/or Construction Exceptions
Speaker System
Windchimes

PARKING RULES Amended in March 1999

6-9

Parking of Resident Vehicles
Parking on Streets
Towing and Fines

PETS

9

Pet Behavior
Pet Control
Domestic Birds
Pet Complaint Procedures

SIGNS

10

Project Signs
Real Estate Signs
Political Campaign Signs
Enforcement
Contractor Signs
Business Signs

SPORTS APPARATUS & RECREATIONAL USES

11

Temporary Installations
Exception Petitions

STREETS

WINDOW COVERINGS

Definition
Interior Window Treatments
Window Covering Restrictions

Freeport Rules & Regulations

Adopted by the Board of Directors November 1996

CC&R Section 4.15 RULES: *"The Board may promulgate rules concerning the use of the Common Area by the Owners and their guests. The Board shall have the right to limit the number of an Owner's guests that may use any recreational facilities. Neither an Owner nor its Invitees shall violate any provisions of this Declaration, the Bylaws or the Rules as the same may be amended from time to time."*

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

BASKETBALL STANDARDS are permitted provided they comply with all of the conditions specified in the Community's document. Permanent basketball standards are not permitted.

CLOTHES DRYING APPARATUS (EXTERIOR) (CC&R Section 4.16, page 11) are not permitted unless they are concealed so as not to be visible from any other property, public way or common area.

COMMON AREA USE (CC&R Sections 2.8 & 4.4, pages 3 & 9)

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.

CURB STREET ADDRESS PAINTING is not permitted unless approved by the **Freeport** Board of Directors. The Architectural Committee shall approve house-mounted street number replacements.

DOCK USE, PRIVATE

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.

FIREWOOD storage is permitted in rear and side yards only and shall be stacked in an orderly manner. Firewood shall not come in contact with fences or houses, shall not be stored on zero lot line easements, and shall be kept out of neighboring views as much as possible. Care should be taken to avoid and control the spread of insect pests brought in firewood brought on to the property (refer to CC&R Section 5.3.2, page 13, "Wood Destroying Pests", for additional information).

FLAGS are permitted for temporary display in a house-mounted wall bracket. Flags must be maintained in an appropriate condition and must comply with commonly accepted flag rules. Flags shall be hung so as not to obstruct walkways in common areas or commonly maintained areas.

FURNITURE (outdoor) used in conjunction with the landscape/hardscape of a residence shall be designed specifically for exterior gardens and patios. The color and style of these exterior furnishings shall be compatible with the appearance and finish of the residence.

GARBAGE AND RECYCLING CONTAINERS (CC&R Section 4.7, page 10)

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. Residents are responsible for removing litter from their property.

Garbage Containers: Garbage containers must be covered at all times to avoid odor and loose trash. The container shall be black, brown or dark green 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.

GARAGE USE (CC&R Sections 4.1 & 4.5, pages 9 & 10)

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

Garage Doors: Resident will keep their garage doors closed except during entering and leaving the garage to maintain the attractive appearance of the neighborhood and to reduce the possibility of unlawful entry and theft.

INSECT TRAPS (ELECTRONIC) may be installed in rear yards, but they shall not create a nuisance to neighboring properties.

LIGHTS (SEASONAL) are allowed only during the holiday season. They may be installed each year after November 20th and must be removed by January 31st. No colored bulbs are allowed in light fixtures, including landscape lighting, with the exception of holiday season lights during the time specified for seasonal lights.

MAIL BOXES and Mail Box Posts shall be maintained in good condition by **homeowners** to match the original developer-installation in size, style, black color, and with address numbers conforming to those installed by the developer. Exterior newspaper tubes are not permitted.

The **Freeport** Association Board of Directors reserves the right to contract for the necessary repair or replacement work and cause it to be performed **at the owner's expense** if the owner does not properly replace or maintain the appearance of the post, the mail box, its street numbers and operable red flag.

MAINTENANCE STANDARDS OF THE FREEPORT ASSOCIATION: Owners shall maintain their dwelling and any ancillary structures in good condition. Landscape shall be maintained good condition by removing all weeds, watering and fertilizing and trimming as necessary to maintain an attractive appearance and shall not permit rear yard grass or weeds to grow beyond five (5) inches in height. Trees or shrubs visible to neighboring property, common areas or commonly maintained areas or public areas shall be appropriately pruned and maintained in an appropriate and healthy condition with attention to containment of tree roots when necessary.

SECURITY SYSTEMS must comply with City of Alameda ordinances regarding installation location and operation. Security lights must be shielded and used only for emergencies. Motion detector light fixtures are permitted provided they are properly

shielded and are compatible with the existing house fixtures.

SIDEWALKS (CC&R Section 5.3.1, page 13): The **Freeport** Association is responsible for the maintenance of sidewalks located adjacent to the private streets, even if located on a homeowner's lot.

NOISE RESTRICTIONS (CC&R Section 4.1, page 9): Residents shall not create noise of any kind that is discernable on other property which interferes with concentration or sleep.

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

Speaker System amplified outdoor installations are not permitted.

Wind Chimes are discouraged, but are permitted only if the sound level does not intrude into neighboring property.

PARKING RULES & REGULATIONS (CC&R Section 4.5, page 10)
(Pursuant to Article 4, Section 4.5 of the Freeport Homeowners' Association CC&Rs, page 10. Also pursuant to the Freeport Homeowners' Association Rules and Regulations, page 3, adopted by the Board of Directors in November of 1996)

1. DEFINITIONS:

Owner shall mean a Member and/or Owner as defined in the **Freeport** Association's Declaration of Covenant, Conditions and Restrictions (CC&Rs.)

Resident shall mean any person who resides in a home on a Lot within the **Freeport** Project, whether or not such person is an Owner as defined in the Association's CC&Rs.

Guest shall mean any person visiting the home of an Owner or Resident.

Vehicle shall mean a device by which any person or property may be propelled, moved, conveyed, or drawn upon a highway, except a device moved exclusively by human power.

Commercial Vehicle shall mean a vehicle used or maintained for the transportation of persons or property for hire, compensation or profit, and/or designed, used or maintained for business purposes and/or displaying signs, decals, logos or other indicia of commercial or business use. Refer to CC&R Section 4.1, 4.10 and 4.13 for additional information.

Parking Areas shall mean all parking areas wherever located within the **Freeport** Project, including driveways on Lots and specifically designated parking spaces, but not including enclosed garages and streets. Parking Areas are defined in the attached "Parking Areas" map of the Freeport Homeowners' Association and Rules and Regulations.

No parking is allowed in front of the Park located off of McDonnel Road at any time.

Fire Lane shall mean those streets owned by the **Freeport** Association and designated by the City of Alameda as fire lanes.

2. **PARKING OF RESIDENT VEHICLES:** All Residents of the **Freeport** Project shall park their vehicles wholly within their garages or within driveways. All Residents must have space sufficient within their garage to park two (2) Vehicles. Additional Resident Vehicles may be parked only in designated Parking Areas or in a Resident's driveway, if that Resident's driveway is sufficient to hold the entire Vehicle. Garage doors of Residents' homes shall remain closed except when the garage is in use.

The blocking of sidewalks by Freeport owner/resident vehicles is strictly prohibited. No part of any Freeport owner/resident 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. Vehicles in violation of this rule are subject to the Freeport parking enforcement procedures as defined in the Freeport Homeowners' Association Rules and Regulations.

3. **PARKING ON STREETS:** No unattended vehicle parking shall be allowed in cul-de-sacs outside of the designated Parking Areas. Temporary parking on the streets in front of garages shall be allowed only for a reasonable period of time necessary for Vehicle loading and unloading.

Prohibited Vehicles: No boat, trailer, camper, motorcycle, golf cart, Commercial Vehicle, mobile home or other recreational Vehicle or dilapidated Vehicle shall be parked outside of the owner's garage on private property or on **Freeport** association streets.

Repair of Vehicles: No part of the Community or **Freeport** Associations' Common Areas shall be used for the repair, construction or reconstruction of any Vehicle, boat, or other item or thing, except for a reasonable period of time in a bona fide emergency.

Fire Lanes: All streets within the **Freeport** Association are fire lanes and are owned by the Association. No Vehicle shall be parked in a marked Fire Lane or within fifteen (15) feet of a fire hydrant. Vehicles of Owners, Residents and

Guests are subject to towing without notice at the vehicle owner's expense per California Vehicle Code Section 22658.2.

Vehicles Not to Inhibit or Block Access: The blocking of mail boxes, sidewalks, driveways, and fire lanes by vehicles is strictly prohibited. No part of the vehicle parked in a driveway shall extend onto the sidewalk, street or landscaped area. No vehicle shall be parked sideways (parallel to the street) or diagonal in a driveway. Vehicles in violation of this rule are subject to the Freeport parking enforcement procedures as defined in the Freeport Homeowners' Association Rules and Regulations.

Guest Parking: Guests of Freeport residents may only park in designated parking areas defined in "Parking Areas" map of the Freeport Homeowners' Association Rules and Regulations. The blocking of mailboxes (between the hours of 10 a.m. and 4:00 p.m., Monday through Saturday), sidewalks, driveways, and fire lanes by guest vehicles is strictly prohibited. No part of the guest vehicle parked in a driveway shall extend onto the sidewalk, street or landscaped area. No guest vehicles shall be parked sideways (parallel to the street) or diagonal in a driveway. Vehicles in violation of this rule are subject to the Freeport parking enforcement procedures as defined in the Freeport Homeowners' Association Rules and Regulations.

Overnight Guest Parking: Guest parking for longer than twenty-four (24) hours is prohibited. A resident may petition the **Freeport** Board of Directors or its designee for a guest-parking permit for a maximum of fourteen (14) consecutive days. The petition must be received a minimum of ten (10) days prior to the next regular Board meeting. At the meeting, the Board shall take all of the facts into consideration and render its written decision to the petitioner within three working days of the Board meeting. For emergency guest parking permits, residents may call the Association Manager to request a temporary, limited duration parking permit. The Board may refuse to approve a guest-parking permit for longer than twenty-four (24) hours in one consecutive three-day period.

4. **TOWING AND FINES:** Violation of any of the Parking Rules and Regulations may result in the Vehicle involved being towed to the nearest public garage at the owner's expense. In the event of such towing, the following procedures will apply:

- (a) Towing Authorization: The **Freeport** Association shall provide written authorization from the Board of Directors to the Community of Harbor Bay Isle Owners' Association (CHBIOA) Security Department to act as the Board's agent regarding the towing of Vehicles.

Non-Fire Lane Parking Violations: For non-fire lane parking violations, a courtesy warning notice will be issued to the vehicle owner for the first violation. A second violation will result in a final warning notice to the

vehicle owner. A third violation may result in the vehicle being towed.

- (b) Towing: The **Freeport** Association, through the Community of Harbor Bay Isle Security Department, will attempt to locate the owner of the Vehicle subject to towing. If the Vehicle is not promptly removed, the Association may cause the removal, **without notice** of any Vehicle parked in a marked Fire Lane, within fifteen (15) feet of a fire hydrant, in a parking space designated for Disabled Persons without property authority, or in a manner that creates a hazard, or which interferes with Maintenance and Security Vehicles to any entrance to, or exit from, the Common Area of the **Freeport** Project or any separate interest contained therein.

The signature of the **Freeport** Association Manager or at least one member of the Freeport Board of Directors is required for an order authorizing the towing of a vehicle cited for non-emergency nuisance parking.

- (c) Non-Owner, non-Resident, Guest Vehicles may be towed for violations of the Parking Rules and Regulations pursuant to California Vehicle Code Section 22658.2. After such Vehicle has been towed, the Association will notify the owner by first-class mail, if the identity of the owner is known. If the owner's identity is not known, the Association will notify the California Department of Justice, Stolen Vehicle Division, of the towing. After the towing of such Vehicle, the Association will notify the Alameda Police Department.
- (d) **Resident's Vehicles** may be towed for violations of any of the Parking Rules and Regulations or the Parking Provisions set forth in the **Freeport** CC&Rs and California Vehicle Code Section 22853. After a Resident's Vehicle has been towed, the Association will notify the Resident of the towing by first-class mail and the Resident shall be liable for all towing, vehicle storage, and other related costs.
- (e) **Responsibility: Owners shall be responsible for the consequences of any violations of the Parking Rules and Regulations by their guests and their tenant Residents, and their Guests.**
- (f) Fines: Owner's Vehicles, which are in violation of any of the Parking Rules and Regulations, shall be subject to fines not to exceed \$100.00 for any single violation as provided in the **Freeport** Association CC&Rs.
- (g) To Recover Towed Vehicles: The owner of the vehicle may call the City of Alameda Police Department to learn where the vehicle has been towed for storage.

The designated towing company and garage are subject to change at the discretion of the Community of Harbor Bay Isle Security Department and/or the **Freeport** Association Board of Directors. Members and Residents shall be notified of any change in the designated towing company or garage.

PETS (CC&R Section 4.3, page 9)

No animals, including, but not limited to fish, reptiles or birds, may be kept for commercial purposes. Homeowners desiring to have more than two animal pets may apply in writing to the Board of Directors.

Pet Behavior: No unreasonably noisy, destructive and/or aggressive pets are permitted at **Freeport**. 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 after their pets who have soiled the common areas, streets, sidewalks or private property. Dog and cat owners must comply with Alameda's Pet Ordinances, i.e. dogs on leashes, cats not allowed to roam.

Domestic Pet Birds: Pet birds may be kept outside a house provided the birds do not disturb neighbors.

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 **Freeport** Association property.

SIGNS (CC&R Section 4.6 & Community Board Resolution #91-03, page 10): All signs must comply with the Community's documents and Community Board Sign Resolution 91-03.

1. **Project Signs:** No signs whatsoever, including but without limitation, commercial signs visible from neighboring property or public ways shall be erected or maintained on any lot within the Community and **Freeport** Association properties except:
 - (a) signs required by legal proceedings;
 - (b) residential identification signs, subject to the approval of the Community Architectural Committee as to suitability;

(c) signs required by the Community or **Freeport** Associations.

2. **Real Estate Signs:** Signs may be displayed only when there is an active and serious attempt to rent or sell the home.

A maximum of one sign per home may be displayed in a window or in the ground however a second sign may be placed on property owned by another, such as on a street corner, with that owner's written consent.

For Rent/For Sale signs shall be a maximum of 18 by 24 inches displaying the words "for rent" or "for sale". A maximum of two additional hook-on signs of 6 by 24 inches each are permitted for the agent's name and telephone number and other information for a total sign area of 30 by 24 inches.

No for sale or for rent signs shall be located upon any of the common area properties, or properties within the areas and jurisdiction of the Planned Development Permit issued by the City of Alameda pertaining to the properties of the Community of Harbor Bay Isle.

3. **Political Campaign Signs:** Political campaign signs are permitted but must be removed within five days following the election date. Posting political signs in the Community or **Freeport** Association common areas is prohibited.
4. **Enforcement:** The Community or **Freeport** Association Board of Directors shall have the authority to hold an enforcement hearing for alleged violations of this Sign Resolution by property owners and/or their tenants. The Boards may require immediate removal of the violating sign and assess the property owner \$5.00 per day following the failure to remove the sign as ordered.
5. **Contractor Signs:** Posting contractor signs for installation work is prohibited. Homeowners are responsible for complying with the prohibition against posting contractor's signs within private property of Association common areas.
6. **Business Signs:** In-home businesses signs are prohibited. In-home businesses require a City business license and the written approval of the **Freeport** Board of Directors.

SPORTS APPARATUS & RECREATIONAL USES (CC&R Sec. 4.1 & 4.13, pages 9 & 11)

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.

The **Freeport** Board of Directors shall decide whether or not to permit the use of temporary portable basketball standards used in compliance with the Community

Architectural Committee's Architectural Rules and Standards.

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 Freeport Association project.

STREETS (CC&R Section 4.5, page 10)

Freeport's private streets shall be used for driving and limited duration parking as permitted by the Parking Rules and Regulations. Recreational activities are not permitted in the streets of the **Freeport** Association. The speed limit within **Freeport** Association streets is fifteen (15) miles per hour.

WINDOW COVERINGS (CC&R Section 4.11, page 11)

Definition: Window coverings are defined as any covering of a window or glass door that may be seen from outside of the house.

Interior window treatments, (e. g. draperies, blinds, etc.), must be installed within ninety (90) days of the first and subsequent closures of escrow.

Window Covering Restrictions: Reflective material window covering is prohibited, except for film installed by the developer (e.g. model homes.) The prior written approval of the Board of Directors may permit window tinting of non-reflective, dark charcoal color material.