

**RULES
&
REGULATIONS**

RULES AND REGULATIONS

MIRALESTE PALMS HOMEOWNERS' ASSOCIATION

Effective Date **5/1/2008**

BACKGROUND:

- Most common area developments (Homeowner Associations) adopt rules and regulations to provide control over the property for the benefit of all homeowners.
- There were no previous rules and regulations for our Association other than what was included in the CC&R's/By Laws. What is noted in these Rules and Regulations supports what was previously included in the CC&R's/By Laws.
- All homeowners will have an opportunity to provide their feedback to these rules and regulations at the next scheduled Board of Directors' Meeting to be held on 3/15/2008.
- When homeowners, their guest(s), or tenant(s) are in violation of the rules and regulations a fine may be imposed on the homeowner as determined by the Board of Directors and in compliance with local civil code.
- It is the responsibility of each homeowner to make sure their guest(s) and tenant(s) are aware of and follow the rules and regulations.
- Exceptions or waivers to the rules and regulations are allowed when a homeowner contacts the Property Management Company (Desert Management) in advance.

VEHICLES AND PARKING:

- The speed limit in the center courtyard is 5 M.P.H.
- Vehicles cannot be parked in the center courtyard for greater than 3 hours at one time (see CC&R's section 16.01.b).
- There are 4 guest parking spots (1 handicap, 3 standard) for 14 homes. Given this, a resident or their guest should not park in one of the standard guest spots for greater than 48 hours at one time. Only a vehicle with handicap plates or a placard should be parked in the handicap parking spot.
- No boat, trailer, camper, golf cart, mobile home, or other recreational vehicle nor any dilapidated, non-operating, or not currently registered vehicle shall be parked or stored in any parking area. No part of the common area shall be used for repair, construction, or reconstruction of any vehicle. This includes maintenance of vehicles such as changing motor oil.

POOL AREA:

- Glass containers or glassware of any type cannot be used within the pool area at any time.
- There are no set hours of use for the pool and spa (jacuzzi).
- Appropriate clothing is required at all times.
- Children (under age of 14) need to be accompanied by an adult (someone over age of 18) who is a resident at all times.
- The spa (jacuzzi) has a maximum capacity of 9 people at any one time (as posted).
- Personal umbrellas are allowed by the pool but need to be removed when you leave the pool area.
- Pool area gates and refuse gates must be secured at all times. They may not be propped open unless required for frequent passage in and out of those areas.
- Use of the pool for parties is permitted only with 2 weeks prior approval by the Board of Directors. Approval can be requested through the Property Management Company (Desert Management) which should include the date, start and end time, and number of people expected. If approved, the requestor has to post a notice by the mailboxes to

notify other homeowners at least 5 days in advance of the event. The requestor is responsible for all clean-up promptly after the party ends.

GARBAGE:

- Garbage should be kept either within your residence or in the dumpsters in the garbage enclosures (see CC&R's section 3.04).
- No boxes, refuse, or other personal property should be kept outside your residence at any time. This includes outside garages and/or front gates.
- Homeowners and tenants need to be considerate of their neighbors when smoking in common areas. Smokers cannot dispose their butts, matches, or other smoking refuse in common areas.

GENERAL:

- Garage doors should not be left open for longer than 3 hours at one time.
- Excessive noise is not permitted. Each resident has a responsibility to maintain control of his or her noise level and that of pets and guests in order to allow a comfortable living environment for everyone (see CC&R's section 3.03).
- Use of skateboards, roller skates, roller blades, and bicycles are not permitted in the center courtyard other than access to and from your unit. For safety reasons, the center courtyard should not be used as a playground. It is intended for vehicle access to homes.
- Balconies should only have patio (outdoor) furniture and plants on them. They should not be used for the storage of any other items.
- No laundry, clothing, towels, rugs, or other similar items shall be left to dry on balcony rails or any place that is visible to others.
- Decorations (i.e. Christmas, personal decor, etc.) are not allowed outside your unit walls, that is in any of the common areas.
- No party favors are allowed such as electric lights, BBQ's, fire-pits, torches, candles, fountains or anything that might pose a hazard in the public areas or leading from condos out to public area's.
- Private patios must be properly maintained. If trees or large shrubs are desired, they should be approved by the Board of Directors prior to installation. Such items are known to lift walls, sidewalks, and damage underground pipes.
- Homeowners and residents must pick up after their pets (Palm Springs City ordinance 10.28.010). This is also outlined in section 3.08 of the CC&R's.
- Homeowners cannot make any changes to the exterior view of their residence without the written approval from the Board of Directors (see CC&R's section 2.04.d) prior to any work commencing. This includes (but is not limited to) exterior light fixtures, exterior windows, exterior doors, paint color, street numbers, and outside decorative items such as curtains. This also includes exterior apparatus such as satellite dishes (see CC&R's section 3.09). Requests for these type changes should be made in writing to the Property Management Company (Desert Management). The request should include the specific details of the change(s) you want to make including drawings, pictures, or architectural plans if possible.
- Homeowners must rent their units as outlined in section 3.01.b of the CC&R's. It is important that the homeowner notify the Property Management Company (Desert Management) of all occupants, tenants, and roommates especially in the case of an emergency.
- All sign postings require the approval of the Board of Directors prior to being posted (see CC&R's section 3.05.b).

**RENTAL/PET
RESTRICTIONS**

MIRALESTE PALMS HOMEOWNERS ASSOCIATION
C/O DESERT MANAGEMENT
400 S. FARRELL STE. B-210
PALM SPRINGS, CA 92262
PHONE (760) 325-4257 FAX (760) 778-6846

****IMPORTANT****

“RENTAL RESTRICTIONS”

Although there is no provision in the Governing Documents that prohibits renting or leasing the separate units, the association does have the following rule pertaining to such:

“Each unit shall be used solely as a private residential dwelling and for no other purpose.”(See attached)

“PET RESTRICTIONS”

In conjunction with the fore mentioned, the Association has the following restrictions regarding pets:

“A maximum of two (2) domesticated cats and/or dogs may be kept in a unit, unless a greater number is authorized by the Board and provided they are not kept, bred or raised for commercial purposes and they are kept under reasonable control at all times, subject to compliance with subsections (c) through (g) of this section.” (See attached)

January 2014

ARTICLE III

OWNERS GENERAL USE RESTRICTIONS

3.01 Unit Use.

- (a) Each Unit shall be used solely as a private residential dwelling and for no other purpose.
- (b) An Owner may rent a Unit for residential purposes provided:
 - (1) There is a written agreement;
 - (2) The lease states it is subject to all the provisions of the Governing Documents;
 - (3) Owners must give the Board the names and telephone numbers of all Occupants, tenants, and their roommates; and
 - (4) The Association and each Owner shall have a right of action directly against any tenant/Occupant for any breach of any provision of the Governing Documents.
- (c) Subject to Declarant's rights pursuant to the Article entitled "*Easements*" herein, occupations and businesses that do not interfere with the residential nature or character of the Property or quiet enjoyment by other Owners may be carried on within a Unit, provided that all applicable laws, ordinances, zoning regulations and rules are satisfied and that there is no external evidence of any such occupation, such as an unreasonable increase in visitors, or an increase in the sound or smell emanating from the Unit.

3.02 Common Area Use.

- (a) Common Area(s) and Exclusive Use Common Area(s), if any, may only be used for purposes which are compatible with usages customarily associated with common areas located within residential developments in California, and subject to the limitations described in this Declaration and other Governing Documents.
- (b) Any Owner may delegate his/her rights of use and enjoyment of any Common Area facilities to the members of his/her immediate family, and guests and invitees. If an Owner has rented or leased his/her Condominium, such rights shall be automatically delegated to the tenants or lessees for the duration of their tenancy, and the Owner shall forfeit any rights to use and enjoy any such facilities for the duration of such tenancy. With respect to an installment land sales contract, the seller under the contract shall be deemed to have delegated his/her rights to use and enjoy any such facilities to the purchaser under the contract.

3.03 Nuisances.

- (a) Illegal, offensive, obnoxious actions, or noxious odors that interfere with any Occupant's quiet enjoyment are not permitted anywhere on the Property.
- (b) An Occupant may not cause the level of noise or sound from the Unit to interfere with the quiet enjoyment of an Occupant of another Unit (i.e., loud music or television, shouting, slamming of doors, and other such actions.)
- (c) The Board shall have the right to determine if any unreasonable action, odor, noise or other conduct constitutes a nuisance, and to appropriately deal with the situation.

3.04 Debris, Trash and Refuse.

Weeds, rubbish, debris, objects or materials of any kind that are unsanitary, unsightly, or offensive may not be placed or permitted to accumulate in any Unit or the Common Area(s).

3.05 Signs.

- (a) For up to five (5) years from the First Sale in the Project, Declarant may erect and maintain any signs, advertising devices or structures to conduct development, improvement, subdivision, sale or leasing operations on the Property, as long as the activities do not unreasonably interfere with any Owner's use of the Property.
- (b) Subject to Civil Code Sections 712 and 713, and any local ordinance, an Owner may advertise a Condominium for sale or lease with sign(s) with a size, format, and location previously approved by the Board.
- (c) No other sign, poster, display, or advertising device may be displayed anywhere on the Property visible outside a Unit without the prior written consent of the Board.

3.06 Use/Alteration Affecting Insurance Rates.

- (a) Acts that threaten cancellation or an increase of insurance rates for the Property may not be committed without Board approval.
- (b) If a particular Owner's use or activity is the cause of increased insurance rates, the responsible Owner is personally liable for the additional insurance premiums.

3.07 Parking / Vehicle Code Regulations.

All applicable provisions of the California Vehicle Code Section 22658.2 (regarding illegally parked cars) shall be enforced.

3.08 Animal Regulations.

- (a) A maximum of two (2) domesticated cats and/or dogs may be kept in a Unit, unless a greater number is authorized by the Board and provided they are not kept, bred or raised for commercial purposes and they are kept under reasonable control at all times, subject to compliance with subsections (c) through (g) of this Section.
- (b) In addition, small domesticated animals (e.g., birds, hamsters, fish, turtles) may be kept in a contained environment (cage or aquarium), provided they are not kept, bred or raised for commercial purposes, and subject to the following sub-paragraphs of this Section.
- (c) Animals that bother or annoy other Owners or residents (e.g., excessively barking dogs, chirping birds, or noisy aquarium filters) may not be kept on the Property or in a Unit.
- (d) An animal may only enter the Common Area(s) while on a leash which is held by a person capable of controlling it.
- (e) Owners must prevent their pets from soiling the Common Area(s), and are solely responsible for any required clean-up.
- (f) The Board shall determine whether specific pets are a nuisance and should be removed from any Unit.

- (g) Each Owner of a pet shall defend, indemnify and hold harmless all other Owners, the management company, the Association and the Board of Directors from any and all losses, costs, and liability arising from having any pet on the Property:

3.09 Exterior Apparatus Regulations.

Subject to California Code Section 1376 and any applicable decisions of the Federal Communication Commission, electrical or telephone wiring, antennae, satellite dishes (or any other electronic receiving or broadcasting device), etc., are not permitted unless authorized by the Board.