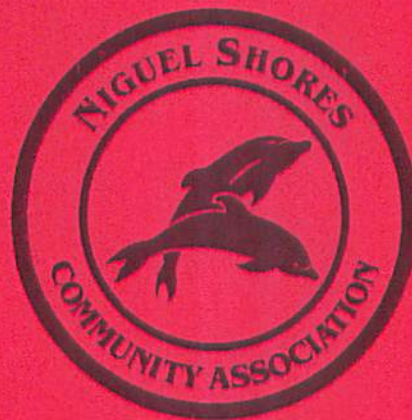


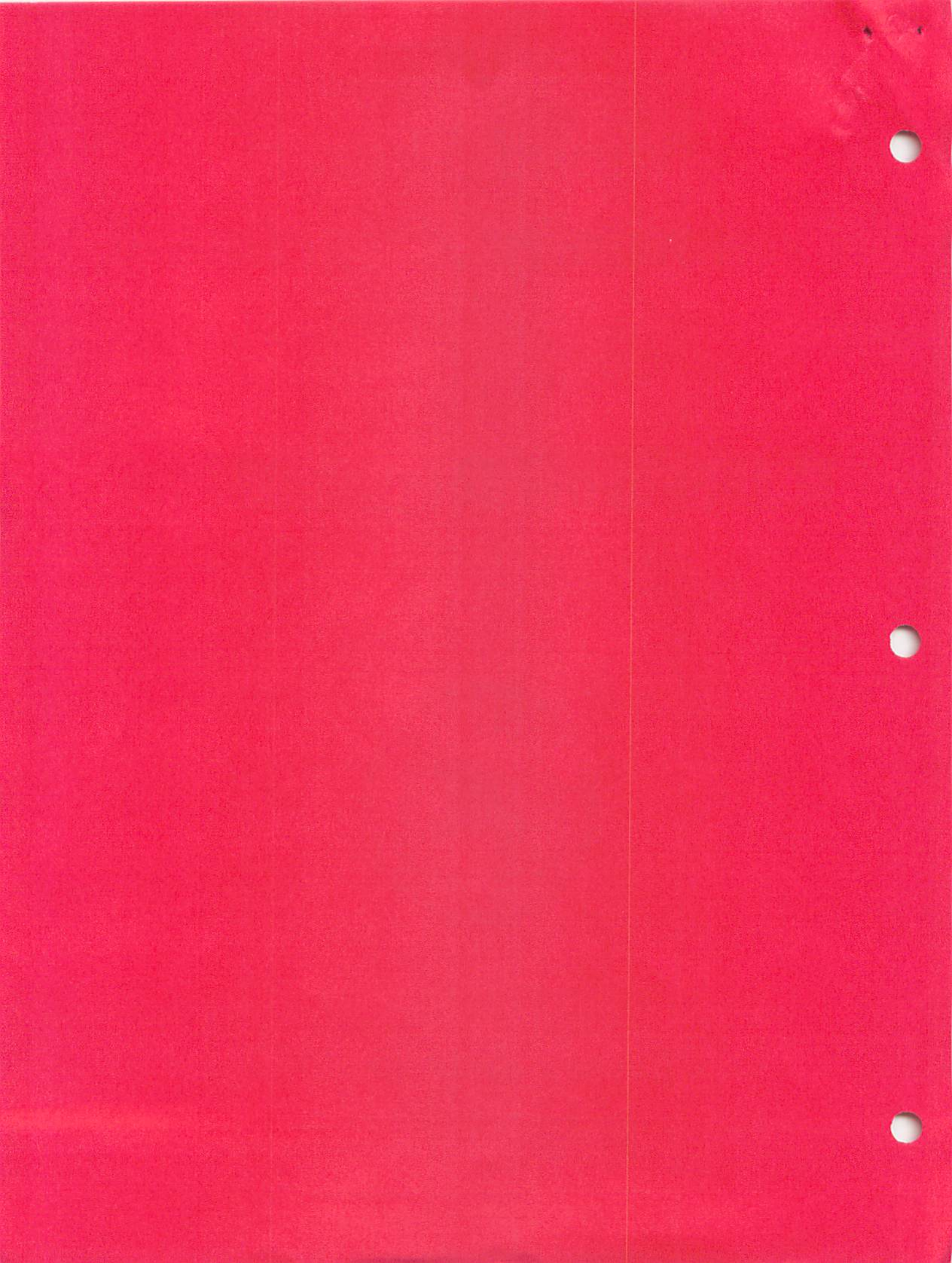
*Niguel Shores  
Community Association*

**Rules and Regulations**



*Effective June 20, 2007*







**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**NIGUEL SHORES COMMUNITY ASSOCIATION RULES**  
**INDEX BY NUMBER**

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**BOARD OF DIRECTORS**

- 1000 Directors
- 1100 Meetings
- 1200 Committees
- 1300 Actions
- 1400 Appeals
- 1500 Elections
- 1700 Conflict of Interest Policy
- 1800 Contracting & Procurement

**BUSINESS OPERATIONS**

- 2000 Cash Management
- 2100 Budget Preparation
- 2300 Delinquent Assessment  
Collection Policy
- 2500 Employee Rules
- 2700 Member Penalties / Fees / Suspension
- 2900 Finance Committee

**STRUCTURES**

- 3100 Architectural Regulations

**LANDSCAPE/VIEW BLOCKAGE**

- 4000 Landscape Definitions
- 4100 Landscape Improvements
- 4200 Landscape Committee
- 4300 Tree View Blockage

**ACTIVITIES**

- 5100 Community Center/Beach Bluff
- 5200 Communication Committee

**TRAFFIC & SAFETY**

- 6100 Pedestrian Gate Access
- 6200 Skateboards & Scooters
- 6300 Vehicles
- 6400 Parking and Operation of Vehicles
- 6500 Registration
- 6600 Vehicle Entry Permits

**MISCELLANEOUS**

- 9100 Dogs And Cats/Animals At Large
- 9200 Trash Pick-Up
- 9300 NSCA Accounting/Minutes /  
Records-Access
- 9400 Reward Fund
- 9500 Homeowner Reimbursement

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**BOARD OF DIRECTORS**

**NSCA RULES** **DIRECTORS** **1000**

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**1001 Standards of Conduct for Directors (02-20-85)**

A director shall perform the duties of a director, including duties as a member of any committee of the Board upon which the director may serve in good faith, in a manner such director believes to be in the best interests of the corporation and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances. (*California Corporation Code 7231*)

**1002 Source of Information (02-20-85)**

In performing the duties of a director, a director shall be entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by:

- 1) One or more officers or employees of the corporation whom the director believes to be reliable and competent in the matters presented
- 2) Counsel, independent accountants or other persons as to matters which the director believes to be within such person's professional or expert competence
- 3) A committee of the Board upon which the director does not serve, as to matters within its designated authority, which committee the director believes to merit confidence, so long as, in any such case, the director acts in good faith, after reasonable inquiry when the need therefore is indicated by the circumstances and without knowledge that would cause such reliance to be unwarranted. (*California Corporation Code 7231*).

**1003 Liability of Directors (02-20-85)**

A person who performs the duties of a director in accordance with **Rule 1001 and 1002** shall have no liability based upon any alleged failure to discharge the person's obligations as a director, including, without limiting the generality of the foregoing, any actions or omissions which exceed or defeat a public or charitable purpose to which assets held by a corporation are dedicated. (*California Corporation Code 7231*)

**NSCA RULES** **MEETINGS** **1100**

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**1131 Appearance of Members at Executive Meetings (02-09-00)**

Members who wish to address the Board at an executive meeting must make their request in writing one week before the meeting and explain the nature of their remarks. If permission is granted to address the meeting, the member must leave the meeting at the close of the presentation unless requested by the Board to remain.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**NSCA RULES**

**COMMITTEES**

**1200**

**1201 Purpose of Committees (02-01-85)**

Various committees are appointed by the Board of Directors to carry out designated functions and to advise the Board with regard to these functions.

**1202 Requirements for Appointment to a Committee (02-03-88)**

Committee members shall:

- 1) Be owners
- 2) Not have a "conflict of interest" with the NSCA
- 3) Not have a self-interest in the area of the committee's operations
- 4) Be able to work cooperatively with other members of the committee
- 5) Meet any special requirements which have been established for the committee
- 6) Be recommended by the committee on which they will serve
- 7) Be approved by the Board of Directors

**1203 Appointment of Members (02-01-85)**

A member of the NSCA who would like to serve on a committee should leave a statement at the office giving name, address, phone number, the name of the committee on which he/she would like to serve, and any background information which would be of interest to the committee. This statement will be forwarded to the appropriate committee for consideration. The committee's recommendation regarding the appointment will be forwarded to the Board by the chairman. The Board will either approve or deny the appointment and will notify the applicant and the chairman.

**1204 Conflict of Interest of Applicants (02-01-85)**

Applicants for committee membership should not be appointed when such applicants at the time of application are (a) involved in a lawsuit with the NSCA, (b) refusing to follow a course of action requested in writing by the Board, or (c) having strong self-interest in the area of the committee's activities.

**1205 Committee Members with a Conflict of Interest (02-09-00)**

A committee member who is involved in a lawsuit with the NSCA or who is refusing to follow a course of action requested in writing by the Board shall be suspended from committee activity until the matter is resolved. In other instances where self-interest is apparent on a specific issue for committee action, the committee member shall abstain from both the discussions and the voting on such issues.

**1206 Duties of Committee Chairman (02-09-00)**

The committee chairman shall supervise the activities of the committee. The chairman shall:

- 1) Supply the Board with a brief summary of the activities of the committee (minutes) soon after the close of committee meeting
- 2) Inform the Board of any special activities or problems of the committee and recommend actions which the committee wishes the Board to take
- 3) Forward recommendations to the Board regarding new members

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**1207 Multiple Chairmanships (02-01-85)**

A member may serve as chairman of only one (1) committee at a time.

**1208 Committee Quorum (02-01-85)**

The Board member serving as a liaison to a committee may be counted as a member of that committee for quorum purposes but may not vote.

**1211 Rights of Committees (02-01-85)**

Committees have the right to establish certain of their own policies such as number of members, qualifications of members, and operating procedures, providing these actions are not inconsistent with the NSCA's *Rules, Bylaws* or *CC&R's* and are agreed to by the Board.

**NSCA RULES**

**ACTIONS**

**1300**

**1301 Motion Identification (05-01-85)**

The names of Board members making, seconding, or voting on motions will be stated in the minutes of the meeting.

**1311 Approval of Minutes (02-09-00)**

- 1) Between Board meeting #1 and #2, each month, the final draft copy of the minutes of meeting #1 will be distributed to the Board members by the recording secretary.
- 2) At Board meeting #2, the recording secretary will note any corrections made by the Board.
- 3) If no corrections are made, the minutes will be signed by the Board secretary and filed in the Minutes Book.
- 4) If any corrections are made, the recording secretary will retype the corrected page(s) and redistribute the minutes to the Board members. The corrected minutes will be signed by the Board secretary and filed in the Minutes Book.
- 5) Similar procedures shall be followed for the minutes of all meetings.

**1315 Deferring Board Action (05-01-85)**

When a proposal is made for (a) a significant policy change or (b) an expenditure of non-budgeted funds of over \$1,000, such proposal shall be made at a Board meeting and, upon the request of any Board member, action will be deferred until a subsequent meeting.

**1320 Notice of Special Meeting of the Board of Directors (08-21-02)**

The Board of Directors holds its regular monthly meetings in the multi-purpose or conference room at the Community Center on the first and third Wednesday of each month except for the months of May and December during which it holds its regular meeting only on the first Wednesday of the month. NSCA members can review the *Seashore News* calendar to confirm the date and time of the scheduled meetings. Except for executive session or emergency meetings of the Board, the notice of the date, time, and place of a Special Meeting of the Board will be given to NSCA members at least four (4) days prior to the meeting, either by printing the date, time, and place of the meeting on the *Seashore News* calendar, or by posting a written notice of the meeting in the glass cabinet case located on the outside wall behind the pedestrian entry gate to the Community Center. The notice will be given pursuant to *California Civil Code Section 1363.05(g)*.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**NSCA RULES**

**APPEALS**

**1400**

**1401 Appeal of Committee Decisions (10-31-05)**

Any owner of real property, who has made application to any committee of the NSCA, other than to the Architectural Control Committee, may appeal the decision of the committee to the Board of Directors, as follows: [Appeals by an applicant of decisions of the Architectural Control Committee shall be pursuant to **Rule 1402** of the Architectural Regulations and Guidelines].

- 1) A written notice of such appeal should be sent to the Board within a 60-day period after the date of the notification of the disputed decision and should include the following information:
  - a) Name, address and telephone number of owner
  - b) Legal address of real property affected, if any
  - c) Name of committee to which application was made
  - d) Date of application to committee
  - e) Date of committee action
  - f) Committee decision
  - g) Owner's statement, in detail, of the dispute with the committee
- 2) A hearing of the owner's notice of appeal shall be set by the Board of Directors not more than sixty (60) days from the date of receipt by the Board. The meeting shall be held in the conference room or the multi-purpose room.
- 3) The Board shall give notice to other interested parties not less than ten (10) days prior to the date of such hearing.
- 4) The owner shall have the right to representation of his/her choice, including legal counsel, at the owner's expense.
- 5) The hearing may be open or closed, at the discretion of the owner, where the owner may be subject to a fine, penalty or other form of discipline.
- 6) The hearing may be recorded at the discretion of the owner. The cost of such recording and the preparation of any transcript from a recording shall be borne by the owner.
- 7) Prior to the hearing, the owner shall have access to all relevant and material NSCA records.
- 8) The owner shall have the opportunity to cross-examine any witness presented by the NSCA.
- 9) The owner shall have an opportunity to present evidence at the hearing.
- 10) The Board's determination after such hearing shall be in writing, stating the reason(s) for such determination.

**1402 Architectural Appeal Policy (10-31-05)**

**Architectural Appeals:** If the ACC disapproves, in whole or in part, a member's application for architectural approval, that member shall have the right to appeal that disapproval to the Board of Directors for reconsideration.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**Appeal Process:** The applicant member's notice of appeal must be in writing, and must be received by the Association no later than thirty (30) days of the date of the notice of the ACC disapproval. Upon receipt of a timely written appeal, the appeal hearing shall be scheduled for open-session meeting of the Board as required by *Civil Code Section 1378(a)(5)*. The Board of Directors shall have thirty (30) days to respond to an appeal, which time period shall begin upon receipt of a timely written appeal. The Board of Directors may extend that initial thirty (30) day period by an additional thirty (30) days by mailing or delivering to the member notice that due to the volume of appeals, the press of other business being considered by the Board and/or the necessity of further time to evaluate the member's appeal, the additional thirty (30) days is needed for the Board to consider the appeal. When the ACC disapproves a member's application in whole or in part, the written notice sent by the ACC to the member informing him/her of that decision shall include a description of the procedure for appealing the approval to the Board.

The following will apply to the appeal procedure:

- 1) The member's notice of appeal should include the following information:
  - a) Name, address and telephone number of member
  - b) Address of the property in Niguel Shores, if different from (a) above, subject of the appeal
  - c) Date of application to the ACC
  - d) Date of notice of disapproval by the ACC
  - e) Member's written statement, in detail, of the basis/reasons for the appeal
- 2) The Board shall give notice to other interested parties of the date of the appeal hearing not less than ten (10) days prior to the date of the appeal hearing.
- 3) The member shall have the right to representation of his/her choice at the appeal hearing, including legal counsel, at the member's expense.
- 4) The appeal hearing may be recorded at the discretion of the member. The cost of such recording and the preparation of any transcript from a recording shall be borne by the member.
- 5) Prior to the hearing, the member shall have access to all relevant and material NSCA documents.
- 6) The member shall have the opportunity to question any witness presented by the NSCA at the appeal hearing.
- 7) The member shall have an opportunity to make a presentation and/or present evidence at the appeal hearing.
- 8) The Board's decision after the appeal hearing shall be in writing, stating the reason(s) for such determination.



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**1403 Responsibility for Legal Fees and Cost of Legal Action (5-16-06)**

In the event a dispute arises between NSCA and an owner which leads to a legal action, the party losing the resulting decision shall be liable for and pay for all expenses incurred by the prevailing party in the action. Expenses shall include all costs, including, but not limited to, legal fees, filing fees, court costs, architect and other consultant fees, and other miscellaneous expenses related to the action. Additionally, in the event that NSCA is named as a co-defendant in any legal action brought by an owner and NSCA is later found not to be a proper party to the action, the party so naming NSCA as a co-defendant shall be held responsible by NSCA for all costs incurred by NSCA during its defense.

**NSCA RULES**

**ELECTIONS**

**1500**

**1501 Introduction (02-26-07)**

- 1) The Board of Directors consists of five (5) Directors. Directors are elected for two (2) year terms. In years ending in even numbers, three (3) Directors are elected. In years ending in odd numbers, two (2) Directors are elected.
- 2) The Annual Meeting is conducted in the month of May each year.
- 3) Cumulative voting is not permitted by the Association's governing documents.
- 4) The Niguel Shores development has 960 Lots/residences.
- 5) The quorum consists of not less than fifty percent (50%) of the voting power of the membership. At an adjourned meeting, the quorum shall be one-half (1/2) of the required quorum at the preceding meeting.

**1502 Membership Meetings, Annual Meeting, Election of Directors and Membership Votes (02-26-07)**

- 1) The Association will hold an Annual Meeting of the membership to elect Directors and to conduct Association business.
- 2) The Board of Directors consists of five Directors. Directors are elected for two (2) year terms. In years ending in even numbers, three (3) Directors are elected. In years ending in odd numbers, two (2) Directors are elected.
- 3) The members of the Association who are in good standing may vote at membership meetings. "Good standing" includes members whose Association rights and privileges have not been suspended after notice and opportunity for hearing pursuant the Association's Bylaws, at Article III, Section 304.
- 4) A Director may not have been convicted of a felony or declared of unsound mind by a court, and must be a member of the Association pursuant to Association's Bylaws, at Article VII, Section 701.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 5) The Board of Directors will appoint a nominating committee approximately 95 days prior to the Annual Meeting date, for the purpose of placing names into nomination for election to the Board pursuant to the Association's Bylaws, at Article VIII, Section 801. The Association will send out to all members a request-for-candidates form, seeking candidates for the Board, approximately 95 days prior to the Annual Meeting date. All forms must be completed by the candidate and must be received by the Association by the deadline stated in the form in order for a candidate's name to appear on the Notice of Annual Meeting and the Ballot. If the fully completed form is not received by the Association by the deadline date, a candidate may still be nominated by himself, herself or by someone else from the floor of the Annual Meeting or by submittal of a written nomination to the Inspector(s) of Election. Nominations will be valid so long as the nominee has either nominated himself/herself, or provides written notice of acceptance of the nomination prior to the close of nominations. Nominations may also be made by a petition delivered to any officer of the Association, signed within eleven (11) months prior to the Annual Meeting by at least two percent (2%) of the voting power of the Association, pursuant to the Association's Bylaws, at Article VIII, Section 801(c).
- 6) The candidacy form will include the opportunity for each candidate to submit a 150-word written statement which is reasonably related to the election, including advocating a point of view. Candidate's statements will be included with the Association's mailing of the Notice and Ballot materials. The Association will not edit or redact these statements but may include a statement specifying that the candidate is responsible for that content.
- 7) Meet the Candidates Night - The Association will hold an informal gathering not less than 15 days prior to the Annual Meeting. All candidates may participate, including those who did not submit a candidate's form but who have advised the Association of their intention to be nominated from the floor of the Annual Meeting. Each candidate may give an oral statement of his/her qualifications of no longer than five minutes per candidate. Questions may also be directed to any candidate by the members present at the meeting. The candidates are not required to attend the Meet the Candidates Night, to make a statement, or to answer questions but are encouraged to do so.
- 8) Secret Ballots: The Association will utilize a secret ballot process, which is now required by California law, as described below, for:
  - a) A vote of the membership regarding assessments legally requiring a vote per Civil Code Section 1366
  - b) Election and removal of members of the Association's Board of Directors
  - c) Amendments to the governing documents
  - d) Grant of exclusive-use common area property pursuant to Civil Code Section 1363.07
  - e) Any other membership votes, including removal of directors, which may be required or allowed by law.



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- f) The Association's Annual Meeting will be set by the Board to occur each year on a date and at a time in the month of May. The Association will send out a Notice of Annual Meeting/Instructions for Voting, not less than thirty (30) days nor more than ninety (90) days prior to the deadline for voting, which will advise all members of times when polls will open and close. The Notice will also state the dates and times when the members and candidates may attend the Annual Meeting and/or Board of Directors' meeting to witness the inspectors' registration, review, count and tabulation of the Ballots. The notice may also state the specific dates and times at which access to common area meeting space will be made available to all candidates and members advocating a point of view at no charge for purposes reasonably related to the election.
- g) Other meetings of the members ("Special Membership Meetings") may be noticed and held by the Association to vote on matters which are proper for member vote. The Board may also determine not to notice/hold membership meetings for votes on matters, except for election and removal of directors/annual meetings, and may conduct the vote by secret ballot process and have the ballots counted and tabulated at a regular open Board meeting.
- h) The Directors must be elected by secret ballot and cannot be elected by voice vote or show of hands at the Annual Meeting. If the number of candidates is equal to or less than the number of positions available for election on the Board, the Association will take a vote by secret ballot of the members who are in attendance at the Annual Meeting to elect the candidates as presented. Holders of legal and valid discretionary proxies who are authorized to cast ballots on behalf of the proxy giver as the proxy holder deems proper may also cast a secret ballot on behalf of the proxy giver. The Inspector(s) will not complete the count or tabulation of the secret ballots received by the Association unless required. The Report of Inspector(s) of Election will state that the Board Members were elected "as presented at the meeting," and will not show the vote tabulation.
- i) Other business at the Annual or other membership meeting, such as approval of minutes, motions to close registration, motions to cease balloting, motions to adjourn and other parliamentary procedures required by a recognized system of parliamentary procedure may be conducted by a show of hands, voice vote or other recognized method, including a roll call vote.
- j) All membership meetings and votes will be conducted in accordance with the Association's Governing Documents and California Corporations and Civil Codes, as appropriate.
- k) Members will have one vote per Lot owned. In no event shall more than one vote be cast with respect to any particular Lot.
- l) Cumulative voting is not permitted pursuant to the Association's Bylaws, at Article VI, Section 608.

**1503 Inspector(s) of Election (02-26-07)**

- 1) One or three inspector(s) of election ("Inspector(s)") will be selected and appointed by the Board of Directors at an open Board meeting, approximately ninety (90) days prior to the date of the Annual Meeting, other membership meeting or vote. For votes which will not include a membership meeting, the Board may appoint Inspector(s) at any time prior to the opening of the secret ballots.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 2) The Board may, but is not required to, select non-member third parties as the Inspector(s), which may include, but are not limited to, a volunteer poll worker with the County registrar of voters, a licensee of the California Board of Accountancy, or a notary public.
- 3) The Board will not select as an Inspector a member of the Board of Directors, a candidate for the Board of Directors, a relative of a member of the Board or of a candidate, or a person currently employed by or under contract to the Association for other compensable services, except the Board may hire a CPA, accounting firm or other professional firm to act as an Inspector even though the CPA, accounting firm or other professional is employed for audit, tax or other Association accounting work, or other services.
- 4) The Board may determine to pay compensation to the non-member third party Inspector(s), if any. If the Board determines to appoint and pay an independent third party, the Board will require the following terms to be met by the independent third party Inspector(s):
  - a) A formal written contract for the Inspector(s) to be hired as independent contractor(s);
  - b) The Inspector(s) will maintain insurance with at least \$1 million CGL coverage, including completed operations coverage, and \$1 million D&O/E&O (naming the Association and its management company as additional insured's on both policies);
  - c) The Inspector(s) shall receive and store election envelopes and ballots for at least nine (9) months, then turn the documents over to the Association;
  - d) Contract to require independent third party Inspector(s) to indemnify Association if independent third party Inspector(s) is grossly negligent, or commits malicious and/or willful misconduct.
- 5) If an Inspector is unwilling to, unable to, or does not, perform his/her duties as stated in these rules, or becomes ineligible to be an Inspector at any time after appointment under Rule 3-c, above, the Board may remove that Inspector without notice, and may appoint another Inspector in his/her place.
- 6) Inspector(s)' Duties:
  - a) Determine number of memberships entitled to vote and the voting power of each;
  - b) Determine the authenticity, validity, and effect of proxies, if any;
  - c) Receive Ballots and proxies, if any;
  - d) Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote;
  - e) Count and tabulate all votes;
  - f) Determine when the polls shall close;
  - g) Determine the results of the election;
  - h) Perform any acts as may be proper to conduct the election with fairness to all members, in accordance with Civil Code Section 1363.03 and these rules;



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- i) All duties must be performed in good faith, to the best of the Inspector(s)' ability, and as expeditiously as practical;
  - j) Prior to the mailing of the Ballots by the Association, the Inspector(s) will determine the location where the sealed ballots will be mailed or delivered and where the Inspector(s) will maintain custody of the sealed ballots until after the tabulation of the vote by the Inspector(s). The Inspector(s) may select the Association's management company or a private post office box to receive the sealed ballots on behalf of the Inspector(s). Where the Inspector(s) are volunteers, the Association's management company or a private post office box shall be the preferred receipt and storage location. Management will not organize, register, open, review or count the ballots. The Inspector(s) will not select his/her/their own residences as the location where the ballots will be mailed/received. Professional Inspector(s) may designate their business address as the location where the ballots will be mailed/received.
- 7) The Inspector(s) may appoint additional personnel to assist them in their duties, including registration, counting and tabulating, but the Inspector(s) will oversee and be responsible for all actions of such personnel. Any additional persons appointed to assist the Inspector(s) must meet the qualifications stated above at Rule 3-c. Only the Inspector(s) may sign the Inspector(s)' report of the election, but additional persons must sign an oath regarding his/her/their duties.
  - 8) If there are three Inspectors, the decision to act must be by a majority of the Inspectors and is effective, in all respects, as the decision of all.
  - 9) The Inspector(s)' report of the election shall be prepared for all votes, and once signed to certify the election, is prima facie evidence of the facts stated in the report.

**1504 Secret Ballot Procedures (02-26-07)**

- 1) At least 30 days prior to the Annual Meeting, other membership meeting, or vote taken, the Association will mail to members in Good Standing, by first-class mail, the Ballots, along with two preaddressed envelopes. The Annual Meeting date, other membership meeting date, or deadline date for other votes taken without a meeting will be considered the due date for completed ballots to be received by the Association. A Notice of Meeting will also be sent which will include instructions on how to return Ballots.
- 2) The Ballot itself will not identify voter by name, address, Lot and Tract, parcel number or unit number, or other identifying information.
- 3) The Ballot and Notice will contain the names of any candidates known to the Association at the time the Ballot/Notice are mailed. If no candidates are known or if there are less candidates than the number of directors to be elected, the Association will send out a Ballot which has the names of the candidates known and/or blank lines for write-in candidates.
- 4) Any write-in candidate must be nominated from the floor of the Annual Meeting, by himself, herself or another member, or by written notice which is received by the Inspector(s) prior to the close of nominations, and must be present at the Annual meeting to accept the nomination or have sent written acceptance of the nomination to the Association in advance.
- 5) The Ballot itself is not signed by the voter but is inserted into an envelope which is preaddressed to the Inspector(s) (Envelope #1).

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 6) The voter then seals Envelope #1 and inserts Envelope #1 into a second preaddressed envelope (Envelope #2) which is then also sealed by the voter.
- 7) In the upper left-hand corner of Envelope #2, the voter shall sign his or her name, indicate his or her name, and indicate the address or other property identifying account number or Lot and Tract number, that entitles him or her to vote. Where a member ("Ballot Giver") decides to give his or her Ballot to another member ("Ballot Receiver") to be voted at the discretion of the Ballot Receiver, the Ballot Giver shall provide the Ballot Receiver with Envelopes # 1 and # 2 after the Ballot Giver signs his or her name, indicates his or her name, and indicates the address other property identifying account number or Lot and Tract number, in the upper left-hand corner of Envelope # 2. A proxy holder voting on behalf of a member at a meeting shall indicate the name and address or other property identifying account number or Lot and Tract number, of the proxy giver in the upper left-hand corner of Envelope # 2, but shall sign the proxy holder's name on Envelope # 2.
- 8) The owners of multiple properties must submit separate Ballots in separate sealed Ballot Envelopes (#1 and #2) for each property owned.
- 9) Envelopes #1 and #2 are preaddressed to the Inspector(s) at the location selected by the inspector(s).
- 10) Ballots may be mailed to the selected address or delivered by hand by the member to the location selected by the Inspector(s).
- 11) The member may request a receipt for hand delivery of the sealed Envelope #2 to the location selected by the Inspector(s). Any member desiring a receipt for mail delivery should send the Ballot by certified mail, return receipt requested, to the location selected by the Inspector(s).
- 12) Only the Association's Ballots and envelopes which are sent out to the membership by the Association or are provided by the Association at the membership meeting will be accepted by the Inspector(s).

**1505 Proxies (02-26-07)**

- 1) The Association will not send out a proxy for the annual meeting or other membership vote. Proxies will be accepted only if those proxies are determined by the Inspector(s) to meet the requirements of the Bylaws, the California Corporations Code and the California Civil Code. Proxy holders shall not be given Ballots pursuant to proxies until after the time that all proxies and Ballots (except for those Ballots to be distributed pursuant to proxies) have been registered, and the proxy has been upheld as valid.
- 2) Any instruction given in a proxy that directs the manner in which the proxy holder is to cast the vote must be set forth on a separate page of the proxy that can be detached and given to the proxy holder to retain.
- 3) The proxy holder must be a member and must be present in person at the meeting and shall cast the proxy giver's vote by secret ballot at the meeting, unless the proxy is revoked by the proxy giver prior to the Inspector(s) receipt of the Ballot cast by the proxy holder. If the proxy holder is not present at the meeting, the proxy shall not be valid for any purpose.



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 4) Any member, or authorized representative of a member, who gives another member the member's proxy, does so with the full understanding that the Association and Inspector(s) will not be responsible for ensuring that any proxy holder votes the proxy in accordance with the proxy giver's direction. The Inspector(s) cannot verify or observe how the proxy holder marks the proxy giver's/ member's ballot.
- 5) Any proxies previously distributed by the Association for quorum purposes only, including general proxies, will be valid and accepted by the Association until their expiration.

**1506 Effect of Submitting Ballot (02-26-07)**

- 1) Once a member mails or delivers his/her Ballot, that Ballot cannot be changed or revoked.
- 2) Only one Ballot may be submitted for each address. Once a member submits a Ballot with regard to a particular address, no other Ballot or proxy may be submitted for that property. Should more than one Ballot be submitted with regard to a particular property address, the Ballot which was earliest received shall be counted for that property. If it cannot be determined which Ballot was earliest received, no Ballot will be counted for that property.

**1507 Registration of Secret Ballots at the Meeting (02-26-07)**

- 1) The Association will have the membership registration list at the membership meeting.
- 2) Management will not register or open any of the Ballots or proxies received by the Association. Opening of the Ballots will be performed by the Inspector(s) at a duly noticed membership or Board meeting in front of any members or candidates who may wish to witness the opening of the Ballots or Proxies.
- 3) All Ballots must be sealed in the two sealed preaddressed Envelopes and contain all required information on the upper left-hand corner of Envelope #2.
- 4) If a member brings ballots for other members to a membership meeting, the Ballots must be sealed in separate individual Envelopes #1 and #2 as required above. The Inspectors will register and make all necessary determinations regarding those sealed Ballot Envelopes.
- 5) The Inspectors will review the information provided on the upper left-hand corner of Envelope #2. The Inspectors will require, at a minimum, the following:
  - a) The member must sign his/her name and indicate his/her name on Envelope #2, (or, where voting by proxy the proxy giver's name), it must be legible and must match the name of at least one of the record owners of the property as shown on the Association's membership list;
  - b) The member's (or, in the case of a Ballot cast pursuant to proxy, the proxy holder's) signature must be on Envelope #2;
  - c) The property address or other property identifier shown on Envelope #2 must correspond to the member's (or, in the case of a Ballot cast pursuant to proxy, the proxy giver's) property address on the Association's membership list;
  - d) If these requirements are not met, the envelope/Ballot will not be valid for any purpose, including quorum, and will not be registered.
  - e) The Inspector(s) will determine whether the failure to include any information on Envelope #2 should result in the Ballot being counted for quorum purposes only, or not counted for any purpose.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- f) If an owner fails to put a Ballot in the two sealed envelopes, and sends/delivers empty Envelopes, the Envelopes will not count for any purpose, including quorum.
- g) Verification of information on the outside of Envelope #2 may be performed by the Inspector(s) or his/her/their designees prior to the meeting of the Board or membership, or deadline for voting.

**1508 Registration of Members in Person (02-26-07)**

- 1) A member wishing to vote in person at the membership meeting must present himself/herself at the **registration table**.
- 2) A member may not revoke any previously mailed or delivered Ballot, any Ballot cast by the member's Ballot Receiver (see Rule 4-g), or any Ballot cast by the member's proxy holder prior to revocation of the proxy, if the Inspector(s) confirm that Ballot was received by the Inspector(s). A member may attend the meeting, but will not be given a new Ballot to vote at the meeting if the Association has received a Ballot for that property address.
- 3) If a Ballot has not been previously received by the Inspector(s) for a particular address, a member in attendance at the meeting will be given a Ballot along with two envelopes to mark and cast in secret at the membership meeting. The Inspector(s) will mark the registration list to memorialize that the member received a Ballot at the membership meeting. Such Ballots may, at the discretion of the Inspector(s), be on paper of a color different than the color used for Ballots cast by mail. Such Ballots will only be counted at any adjourned meeting if properly placed in Envelopes # 1 and # 2, and if they are otherwise valid pursuant to these election rules.
- 4) Members voting in person at the meeting must still use Envelopes #1 and #2, and Envelope #2 must be filled out, sealed and signed. Failure to use the two envelope system at the meeting may lead to invalidation of the Ballot cast at the meeting and shall prevent the Ballot from being counted at any adjourned date if the meeting is adjourned for lack of a quorum.

**1509 Registration of Proxies/Determination of Quorum (02-26-07)**

- 1) If a person brings proxies to the membership meeting, the Inspector(s) will review and make all necessary determinations regarding those proxies, including the validity of those proxies.
- 2) The Inspector(s) will determine prior to or at the meeting, based upon the count of the number of members voting in person, by proxy, or by a mailed or delivered Ballot as shown on the registration list, that quorum has been obtained.
- 3) The quorum consists of not less than fifty percent (50%) of the voting power of the membership. At an adjourned meeting, the quorum shall be one-half (1/2) of the required quorum at the preceding meeting.
- 4) If a member has cast a Ballot by mail or delivery which is received by the Inspector(s) prior to the Inspector(s)' receipt of a Ballot cast by the member's proxy holder, the member's Ballot will supersede and control over any proxy submitted or any Ballot later cast by the member's proxy holder. A member may revoke a proxy at any time prior to the Inspector(s)' receipt of a Ballot submitted by the member's proxy holder.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 5) Upon determination that a quorum has been obtained, the Inspector(s) may close registration at the polls.

**1510 Adjourned for Lack of Quorum (02-26-07)**

- 1) Any Ballots which are cast in person at the Annual Meeting and put directly into the ballot box without Envelopes #1 and #2 for that meeting will not be counted at or used for any adjourned meeting. Ballots which are put directly into the ballot box or received by the Inspector(s) in properly completed, sealed Envelopes #1 and #2 will be valid for adjourned meetings.
- 2) The Ballots will be counted during duly noticed Board or membership meetings. The Inspector(s) may request that any meeting be recessed to allow the Inspector(s) to complete the counting and tabulation of the Ballots at another time. Notice of the recessed meeting will be given to all members and candidates of the location, dates and times when the counting and tabulation will be performed. The Inspector(s) will continue to maintain custody of all Ballots until the counting and tabulation is complete.

**1511 Observation/Custody of Ballots, Etc. (02-26-07)**

- 1) Any candidate or other member of the Association may witness the opening of the sealed Ballots, proxies (if any), and the counting and the tabulation of the votes. (See Rules 15(d) through 15(g) regarding witness conduct.)
- 2) No person, including any member of the Association, any employee or manager, may open or otherwise review any Ballot prior to the time and place at which the Ballots are counted and tabulated by the Inspector(s).
- 3) The sealed Ballots at all times will be in the custody of the Inspector(s), and for nine (9) months until after the tabulation of the votes at which time custody shall be transferred to the Association.

**1512 Privilege Suspensions (02-26-07)**

Management will provide the Inspector(s) with a list of those members whose rights and privileges have been duly suspended after notice and hearing and who are not entitled to vote at the membership meeting. The Inspector(s) will take appropriate steps, including making notations or otherwise marking the membership registration list and/or sealed Ballot envelopes, to not allow suspended members to vote at the membership meeting or in other membership votes. This information will not be shared with any of the witnesses to the Inspection or others.

**1513 Consultation with Association Counsel (02-26-07)**

The Inspector(s) will have the authority to confer with Association legal counsel in advance of or at the meeting. Legal counsel represents the Association and does not represent the members, Inspector(s), Board members, management or any other person. By the adoption of these rules, Association legal counsel has been authorized by the Board of Directors to provide advice to and to waive the attorney-client confidential communication privilege as determined necessary or prudent by the attorney to inform and advise the Inspector(s) regarding issues related to the Inspector(s) performance of their duties for the Association. The Inspector(s) may confer with Association legal counsel outside the presence of the members.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**1514 Nominating/Balloting (02-26-07)**

Once registration for the polls has been closed, if a quorum is present, the membership meeting may proceed with nominations from the floor, followed by balloting, etc.

**1515 Tabulation, Counting, Inspectors' Conduct, Etc. (02-26-07)**

- 1) The Inspector(s) may register, and open the sealed Envelopes and begin the count and tabulation of the ballots at any time, at any duly noticed membership meeting, Board meeting, or series of noticed meetings, which will be held before the date of the actual Membership Meeting date.
- 2) The Inspector(s) may open, count and tabulate the Ballots at any duly noticed board or membership meeting, even though quorum has not been reached, if the Inspector(s) have registered the Ballots on the membership list.
- 3) If the Inspector(s) open the envelopes and determine that there is no Ballot in an envelope, then the Inspector(s) will so indicate on the registration list next to that owner's name that no Ballot was received. If a member then attends the Annual Meeting, they will be given a Ballot, but the empty Envelope will not be counted towards a quorum.
- 4) Members and candidates may witness the counting and tabulation from a distance of no less than six feet from any Inspector.
- 5) The Inspector(s) will not provide members or candidates with information, will not answer questions, or engage in discussion, and will not provide any interim counts or tabulations. Inspectors will only provide the members, candidates or Directors with a final count and tabulation.
- 6) Members and candidates may not communicate with the Inspector(s) during the inspection, opening, counting or tabulation process.
- 7) Any witness or observer may be ejected or removed by the Inspector(s) for disruptive, noisy, or rude behavior.
- 8) Any Ballot must be legible and clearly marked. If the ballot is marked to cast more votes than the maximum number of votes for that election, no votes will be counted, and the Ballot will be used for quorum purposes only.
- 9) If a Ballot is signed or other identification is written on the Ballot by the owner, the Inspector(s) will count the Ballot. However, the Association will not protect the owner's privacy and will not be responsible for redacting that information in the event a recount or review of the Ballots is requested.
- 10) Inspector(s) will certify the results of the Membership election by completing a written report of the Inspector(s).

**1516 After Tabulation (02-26-07)**

- 1) Results of the election shall be announced and be promptly reported to the Board of Directors and recorded in the minutes of the next meeting of the Board.
- 2) Results shall be available for review by all members after the certification of the membership meeting by the Inspector(s).



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 3) Tie Votes: The vote to break the tie may be taken at the same meeting where the tie was determined. Ballots will be distributed to the members present and to any proxy holders of valid proxies at the meeting. Said vote shall be conducted in accordance with the procedures herein, to the extent they are applicable to a run-off vote. No previously cast ballots or proxies will be used at the meeting to break the tie.
- 4) Within 15 days of the election, the Board shall publicize the results of the election in a communication directed to all the members.
- 5) If the Inspector(s) are professional Inspector(s), they shall store the election records for nine (9) months after the election, and then transfer the records to the Association. If the Inspector(s) are homeowners or volunteers, they agree to delegate to the Association the responsibility for keeping the election records on behalf of the Inspector(s).
- 6) The Ballots and the envelopes, along with the registration list, will be stored by the Association in a secure place for no less than five years after the date of the election.
- 7) In the event of an election challenge and upon receipt of a written request from a member, the Association will make the Ballots available for inspection and review by Association members or their authorized representatives. In order to protect the security of the Ballots, one or more Association representatives must be present during such review. The Association will not make proxies available for review or inspection.
- 8) Any recount shall be conducted in a manner that shall preserve the confidentiality of the vote. However, the Association will not be responsible for redacting or otherwise protecting any identification/other information which is written on a Ballot by a member.

**1517 Access to Association Facilities and Communications/Use of Association Funds (02-26-07)**

- 1) If any candidate or member advocating a point of view is provided access to any Association media, including newsletters, Internet web sites, or other Association publications during any campaign, for purposes that are reasonably related to that election, then all candidates and members advocating a point of view shall be provided with equal access for purposes reasonably related to that election.
- 2) The Association shall not edit or redact any content from the communications of candidates and members advocating a point of view, but will provide a statement specifying that the candidate or member, not the Association, is responsible for that content.
- 3) Access to common area meeting space will be made available to all candidates and members advocating a point of view, for purposes reasonably related to the election, at no charge. The Association may set forth specific dates and times at which such access will occur in the Notice of the membership meeting.

**1518 Other Election Rules (02-26-07)**

These Election Rules shall supersede any prior Election Rules adopted by the Association.

**NSCA RULES**

**CONFLICT OF INTEREST POLICY**

**1700**

**1701 Conflict of Interest Policy for Directors (08-21-02)**

Any new member of the Board, upon accepting the office position, will be advised of this policy and on the duties of his/her office.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 1) All directors shall exercise their power and duties in good faith and in the interest of, and with utmost loyalty to, the NSCA and owners. All directors shall comply with all lawful provisions of the NSCA's protective *CC&R's*, *Bylaws*, and *NSCA Rules*.
- 2) All Board members will sign an annual *Disclosure Statement* at the organizational meeting of the new Board of Directors.
- 3) In the event a contract or other transaction is contemplated between the NSCA and a director, or in the event a contract or other transaction between the NSCA and any entity in which a director has a material financial interest is contemplated, the director shall make full disclosure of the director's interest and the facts surrounding the contract or transaction. When the Board votes on the contract or other transaction, the vote of the director shall not be counted. Further, at the time of voting in favor of a decision involving another director's material financial interest, a director must believe that the transaction contemplated by the decision is just and reasonable to the NSCA. For the purposes of the policy, a material financial interest in an entity is defined as a financial interest exceeding five hundred dollars (\$500).
- 4) Further, NSCA shall comply with the reporting requirements of *California Corporations Code Section 8322*, or any successor statute.
- 5) Any duality of interest or possible conflict of interest on the part of any director shall be disclosed to the other directors at the first meeting of the Board of Directors at which the interested director is present after the conflict of interest is or should be discovered. Such disclosure shall be made a matter of record in the minutes of the board meeting at which the disclosure of the conflict of interest is made.
- 6) Any director having a duality of interest or possible conflict of interest on any matter shall not vote or use his/her personal influence on the matter, and he/she shall not be counted in determining the quorum of the meeting. The minutes of the meeting shall reflect that a disclosure was made, the director abstained from voting, and a quorum voted.

The foregoing requirements shall not be construed as preventing the director from briefly stating his/her position on the matter or from answering pertinent questions of other Board members since his/her knowledge may be of great assistance.

**NSCA RULES**

**CONTRACTING AND PROCUREMENT**

**1800**

**1801 Application (07-23-97)**

The following rules shall apply to contracting and procurement by the Board of Directors, or by representatives or employees of the NSCA. Contracting, procurement or expenditure includes the acquisition of goods, services, routine maintenance, construction, reconstruction, improvements and major maintenance.

**1802 Funds (07-23-97)**

All expenditures shall be in compliance with California law and the NSCA's governing documents.

**1803 Final Authority (07-23-97)**

Except as provided herein, the Board has final authority and responsibility on all contracting, procurement and expenditures.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**1804 Emergencies (07-23-97)**

In an emergency, if it is not possible for the Board to meet first, a member of the Board or the general manager may take such action and expend such funds as is necessary to address the emergency. However, the Board shall convene as soon as reasonably possible after the occurrence of an emergency to review the expenditure and take action deemed necessary.

“Emergency” is defined as a sudden or unexpected occurrence that demands immediate action so as to avoid or alleviate personal injury or damage to property.

**1805 General Manager (05-16-06)**

Subject to the dollar limitation stated below, the general manager is authorized to (a) make service contracts as necessary to maintain, repair, or replace building and landscaping components for which the NSCA is responsible, and (b) purchase equipment, tools, materials and supplies as are necessary for the ongoing daily management and business operations of the NSCA. All such contracts and orders shall be made in the name of the NSCA. The general manager shall not enter into any single contractual obligation for services in excess of \$3,500, and the general manager shall not place any single order for equipment, tools, materials or supplies in excess of \$3,500. However, the foregoing requirement for prior approval of the Board of Directors shall not be necessary in the event of emergencies, as defined within **Rule 1804**, where it is necessary for the general manager to take action to protect and preserve property of the NSCA which may be in immediate danger or to protect the members against personal injury.

For services, written estimates describing the work shall be obtained in advance. Receipts must be obtained for goods purchased.

The general manager shall not accept from any party providing goods or services to the NSCA, including vendors and independent contractors, any remuneration or consideration in any manner or form as consideration for or inducement to the general manager for using such goods or retaining such services on behalf of the NSCA. Any remuneration or consideration received shall be the property of the NSCA. Should the general manager nevertheless receive any such remuneration or consideration in the form of gifts, monetary or otherwise, the general manager shall disclose such receipt to NSCA and such receipt shall be made an agenda item by the general manager for the next Board meeting.

**1806 Contracting and Procurement in General (5-16-06)**

All other contracting and procurement shall be brought to the Board for approval and shall be accomplished only after receiving written acceptable bids or proposals as follows:

- 1) At least one (1) written bid or proposal for expenditures of up to \$3,500.
- 2) Two (2) written bids or proposals for expenditures between \$3,500 and \$15,000.
- 3) Three (3) written bids or proposals for expenditures of more than \$15,000.

Prior to the award of any major contract that affects the community's use of the NSCA facilities, this intention shall be publicized in the Seashore News, and community input shall be requested. All contractors shall be properly licensed for the work contracted and shall have workers' compensation and liability insurance coverage in force and in such amounts as may be established by the Board of Directors from time to time.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**1807 Professional Services (02-20-02)**

For construction, reconstruction, major remodeling and major repairs the Board shall retain the services of licensed professionals, or other licensed advisors, for the purpose of design, preparation of specifications and other technical documents, including contracting documents and permit applications.

**1808 Day-to-Day Work (12-17-03)**

Routine, day-to-day maintenance, repair and minor construction work may be accomplished by employees of the NSCA where practical and cost effective.

**BUSINESS OPERATIONS**

**NSCA RULES**

**CASH MANAGEMENT**

**2000**

**2000 Cash Management (12-17-03)**

An annual review of the financial statement of the NSCA shall be prepared in accordance with generally accepted accounting principles by a licensee of the California State Board of Accountancy and distributed by staff to the members of the NSCA within 120 days after the close of each fiscal year.

Member assessments will be deposited into the NSCA's operating account. The reserve portion of the dues income shall be transferred within two (2) weeks by separate checks to (a) the capital reserve fund account (s), and (b) the non-capital reserve fund account (s).

Cash held during the accounting year will be divided into three (3) categories:

- 1) Operating bank accounts
  - a) Federally insured operating checking account
  - b) Federally insured operating payroll account
  - c) One (1) or more federally insured operating money market account(s)
- 2) Non-capital reserve accounts
  - a) A separate federally insured checking account will be used to pay all non-capital reserve expenditures.
  - b) One (1) or more federally insured investment accounts will be established for non-capital reserve items.
  - c) If non-capital reserve fund expenditures should be paid directly from the operating account, an immediate reimbursement for the exact amount will be made from the non-capital reserve account(s) so affected.
- 3) Capital reserve accounts
  - a) A separate federally insured checking account will be used to pay all capital reserve expenditures.
  - b) One, or more, federally insured investment accounts will be established for items that are capital in nature, as defined by the Internal Revenue Service.



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- c) If capital reserve fund expenditures should be paid directly from the operating account, an immediate reimbursement for the exact amount will be made from the capital reserve account(s) so affected.

**NSCA RULES**

**BUDGET PREPARATION**

**2100**

**2101 Budget Preparation (04-01-85)**

The preparation of the Annual Budget will consist of the following procedures. The Board will establish target dates for each step:

- 1) The Finance Committee will be asked to indicate any increases or decreases in the level of service to be rendered and the reasons for such change.
- 2) Each committee will be asked to indicate any increases or decreases in the level of service to be rendered in their area and the reasons for such change.
- 3) The general manager will cause to be prepared a listing of all income and expense items showing actual to date, estimate for current year, estimate for the next year based upon committee requests, and estimate for next year based upon management requests.
- 4) The Finance Committee will schedule a meeting with each committee submitting budget requests. The chairman of the committee, the board liaison to the committee, the board liaison to the Finance Committee, the president of the NSCA, the manager and the controller will be asked to attend. At these meetings each item will be explained and discussed.
- 5) The Finance Committee will submit their recommended budget to the Board along with the resulting assessment figure.
- 6) The general manager will cause to be prepared a tentative budget document showing all income and expense items including the actual-to-date, an estimate of actual for current year and the estimate for next year based upon the recommendation of the (a) Finance Committee, (b) applicable committee and (c) general manager.
- 7) The Board will review the document described in (6) in the presence of the Finance Committee chairman.
- 8) The Board will determine the final budget items and the amount of the assessment.

**2105 Over-budget Procedure (04-01-85)**

The Board will be notified by management whenever the estimated expense for the year will probably exceed the budget for the year or when the estimated income for the year will fall short of the budget. The Board must then either adopt a policy which will increase income or reduce expense or determine where other budget savings can be affected.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**NSCA RULES**

**DELINQUENT ASSESSMENT COLLECTION POLICY**

**2300**

**AND STANDARDS FOR PAYMENT PLANS**

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Delinquent Assessment Prompt payment of assessments by all owners is critical to the financial health of the Association and to the enhancement of the property values of our homes. Your Board of Directors takes very seriously its obligation under the CC&Rs and the California Civil Code to enforce the members' obligation to pay assessments. The Board has adopted this Collection Policy in an effort to discharge that obligation in a fair, consistent and effective manner. Therefore, pursuant to the CC&Rs and California Civil Code Sections 1365(d) and 1367(c)(3), the following are the Association's assessment collection practices and policies and payment plan standards:

**2301 Due Dates (6-30-06)**

Regular quarterly assessments are due and payable on the first day of January, April, July, and October. All other assessments, including special assessments, are due and payable on the date specified by the Board in the Notice of Assessment. Unpaid assessments are delinquent fifteen (15) days after they are due. [Civil Code Section 1366(e)]. Payment must be received by the bank, at the address indicated in paragraph 19 below, no later than the thirtieth (30th) day after the due date. If not, then a late charge and interest will be applied to the account. It is the owner's responsibility to timely pay each assessment regardless of whether a billing notice is received.

**2302 Obligation to Pay (6-30-06)**

Assessments, late charges, interest and reasonable collection costs, including attorneys' fees, if any, are the personal obligation of the owner of the subject property ("Property") at the time the assessment or other sums are levied. [Civil Code Section 1367.1(a)]. Owners shall be responsible for all such amounts, unless it is determined that all assessments were paid on time to the Association. [Civil Code Sections 1366(e) and 1367.1(a)].

**2303 Application of Payments (6-30-06)**

Any payments received will be applied first to assessments owed, and only after the assessments owed are paid in full will the payments be applied to fees and costs of collection, late charges and/or interest. Payments will be applied to assessments so that the oldest assessment arrearages are retired first unless the payment indicates that it shall be otherwise applied. A late charge may accrue if payment is not sufficient to satisfy all delinquent assessments, and the current quarterly assessment.

**2304 Delinquency Notice (6-30-06)**

If an assessment is not paid by the thirtieth (30th) day after it becomes due, the Association will send a reminder billing notice regarding the delinquency to the owner at his/her address or addresses on file with the Association. If the amount set forth in the delinquency notice is not received before the due date set forth therein, the matter may be turned over to a collection agent or an attorney for further action, including legal action, or the Association may take such other collection action as it deems appropriate. .

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**2305 Late Charges and Interest (6-30-06)**

A late charge of ten percent (10%) of the delinquent assessment will be charged for any assessment which is not paid on or before the thirtieth (30th) day after it becomes due. [Civil Code Section 1366(e)(2)]. Interest on all sums due will accrue at the rate of ten percent (10%) per annum commencing thirty (30) days after each assessment becomes due. [Civil Code Section 1366(e)(3)].

**2306 Right to Submit Secondary Address (6-30-06)**

Owners may submit a written request to the Association to use a secondary address. Any such request must be mailed to the Association (at the address indicated in paragraph 19 below) in a manner that shall indicate that the Association has received it (e.g., via certified mail). [Civil Code Section 1367.1(k)]. The Association will send notices to the indicated secondary address only from and after the point that the Association receives any such request. Nothing herein shall require the Association to re-send or duplicate any notice sent to the owner prior to the date that a request for a secondary address is received.

**2307 Pre-Lien Notice (6-30-06)**

If an assessment is not paid by the sixtieth (60th) day after it becomes due, prior to recording a lien for delinquent assessments, the Association will send a pre-lien letter to the record owner, as required by Civil Code Section 1367.1(a), by certified mail and first-class mail to the owner's address of record with the Association, and any secondary address at the request of the owner. The owner will be charged \$50.00 for the pre-lien letter. The Association may obtain a vesting report from a title company in connection with preparation of a pre-lien letter. If a vesting report is obtained, the owner will be charged a fee for the report.

**2308 Opportunity to Meet and Confer (6-30-06)**

An owner may dispute the debt noticed in the pre-lien letter by submitting to the Board a written request to meet and confer with a designated director of the Association pursuant to the Association's Internal Dispute Resolution Policy (IDR) adopted pursuant to Civil Code Section 1363.810. [Civil Code Section 1367.1(a)(5)].

**2309 Right to Request a Payment Plan (6-30-06)**

Owners may submit a written request to meet with the Board to discuss a payment plan. If such request is mailed within fifteen (15) days of the postmark of the pre-lien letter, the Board will meet with the owner, in executive session, within forty-five (45) days of the postmark of such request, unless there is no regularly-scheduled meeting of the Board within that period of time, in which case the Board may designate a committee of one or more directors to meet with the owner. [Civil Code Section 1367.1(c)(3)]. In addition to the foregoing procedure for requesting a payment plan, an owner may request a payment plan without first meeting with the Board, and negotiate a payment plan with the Association's managing agent, attorney or authorized collection agent. Any payment plan must comply with the Standards for Payment Plans set forth herein below.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**2310 Standards for Payment Plans (6-30-06)**

Payment plans will be considered on a case-by-case basis. Generally, no payment plan may exceed six (6) months in duration. Fees and/or costs may be charged for the administration of any payment plan, and may vary based upon the duration of the payment plan. Any request for a payment plan which exceeds six (6) months in duration must be accompanied by a written explanation of the reason for the request, which includes documentation of the owner's special circumstances, financial hardship, and ability to make the payments requested. If a lien has not been recorded prior to the time that any payment plan is entered into, one may be recorded during the repayment period to secure the debt while the payment plan is pending. Payment plans must provide for full payment of the delinquent amounts, in addition to the amounts which will accrue during the repayment period, including any regular and/or special assessments, and any fees and/or costs related to the administration of the payment plan and/or for the recording and/or release of any lien. Once a payment plan is entered into, additional late charges will not accrue for so long as the owner complies with the terms of the payment plan. In the event of a default in any payment agreement, the Association will resume collection efforts from the time prior to entering into the payment plan. [Civil Code Section 1367.1(c)(3)].

**2311 Lien and Notice of Recordation (6-30-06)**

If the owner fails to pay the amounts set forth in the pre-lien letter within thirty (30) days of the date the pre-lien letter is mailed, a lien for the amount of any delinquent assessments, late charges, interest and/or costs of collection, including attorneys' fees, may be recorded against the owner's Property. [Civil Code Section 1367.1(d)]. A copy of the lien will be sent to every person whose name is shown as an owner of the Property at his/her address in the Association's records by certified mail within ten (10) days of recordation of the lien. [Civil Code Section 1367.1(d)]. No lien will be recorded unless a majority of the members of the Board of Directors approves the decision to record the lien at an open Board meeting. [Civil Code Section 1367.4(c)(2)]. Any lien recorded by the Association will remain as an encumbrance against the Property until the debt secured thereby is satisfied. After the expiration of thirty (30) days following recordation of the lien, the lien may be enforced in any manner permitted by law, including judicial or non-judicial foreclosure. [Civil Code Section 1367.1(d)]. The owner will be charged \$75.00 for the preparation and recording of the lien.

**2312 Referral to Attorney (6-30-06)**

If the owner fails to pay all amounts due by the thirtieth (30th) day after a copy of the recorded lien is mailed to the owner, or at such other time as the Board may determine, the delinquent account will be referred to the Association's legal counsel for further collection, and a minimum initial amount of \$400.00 for attorneys' fees, plus costs, will be charged to the delinquent owner's account. The delinquent owner will be responsible for all costs of collection, including attorneys' fees, incurred by the Association to collect any delinquent sums. [Civil Code Sections 1354(c) and 1366(e)(1)].



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**2313 Dispute Resolution (6-30-06)**

Prior to initiating foreclosure of any lien, the association shall offer to the owner of the Property, and if so requested by the owner, shall participate in dispute resolution in accordance with the Association's Internal Dispute Resolution Policy (IDR), or in alternative dispute resolution (ADR) with a neutral third party pursuant to Civil Code Section 1369.510, *et seq.* The decision to pursue internal dispute resolution (IDR) or a particular type of alternative dispute resolution (ADR) shall be the choice of the owner, except that binding arbitration shall not be available if the Association intends to pursue judicial foreclosure.

**2314 Foreclosure of Lien (6-30-06)**

The Association will not seek to foreclose any lien through judicial or non-judicial foreclosure unless and until the amount of delinquent assessments secured thereby reaches \$1,800.00, or until the assessments are at least twelve (12) months delinquent. The decision to initiate foreclosure of any lien shall be made by a majority vote of the Board members, in executive session.

**2315 Notice to Owner of Decision to Foreclose (6-30-06)**

If the Board of Directors decides to initiate foreclosure of a lien, it shall provide notice of such decision to the owner pursuant to Civil Code Section 1367.4(c)(3). Such notice will be by personal service to an owner who occupies the Property or to the owner's legal representative. The Board shall provide written notice to an owner of the Property who does not occupy the Property by first-class mail, to the most current address shown on the books of the Association. In the absence of written notification by the owner to the Association, the address of the owner's Property shall be treated as the owner's mailing address. [Civil Code Section 1367.4(c)(3)]

**2316 Suspension of Privileges (6-30-06)**

Without prejudice to its right to continue with and/or take other collection action, in the event an assessment is not paid within thirty (30) days of its due date, after notice and hearing, the Board may suspend the voting rights and the rights to use and enjoy the recreational common areas and common facilities of an owner, and of his/her guests and tenants, during any period assessments remain unpaid and delinquent. [Civil Code Section 1363(h) and Corporations Code Section 7341]. The Association will not deny an owner or occupant physical access to his/her separate interest/residence by way of any such suspension of privileges. [Civil Code Section 1361.5].

**2317 Release of Lien Upon Satisfaction of Debt. (6-30-06)**

Within twenty-one (21) days of receipt of full payment to satisfy a lien, the Association will record a release of lien, and provide a copy thereof to the owner. [Civil Code Section 1367.1(d)].

**2318 Right to Inspect Records (6-30-06)**

Owners have the right to inspect certain Association records pursuant to Corporations Code Section 8333 to verify the debt.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**2319 Association's Mailing Addresses (6-30-06)**

Any payments, notices or requests sent to the Association should be sent to the following addresses:

**Mailing Address for  
Regular Payments:**

First Bank  
Service Processing Center  
P.O. Box 26950  
Santa Ana, CA 92799

**Mailing Address for Overnight Payment  
of Assessments, Notices and Requests:**

Niguel Shores Community Association  
33654 Niguel Shores Drive  
Dana Point, CA 92629

**2320 Association's Right to Collect by Any Lawful Means (6-30-06)**

Nothing herein limits or otherwise affects the Association's right to proceed in any other lawful manner to collect any delinquent sums owed to the Association. The Association reserves the right to change the amount of any collection fee or charge, without notice, and reserves the right to modify or amend this Collection Policy at any time.

**2321 Returned Checks for Payment (6-30-06)**

The Association will charge \$20.00 to the owner for a returned check.

**NOTE:** *Quarterly assessment billing notices are considered reminder notices only. The owner must pay the assessment within the 30 day grace period to avoid a late charge, even if an assessment notice is not received. The mailing address of the service processing center is First Bank, P.O. Box 26950, Santa Ana, California 92799, if the quarterly assessment notice is not received. Be sure the Tract/Lot number of the Property is listed on your check for proper crediting to your account.*

**NSCA RULES** **EMPLOYEE RULES** **2500**

**2501 Payroll Checks (02-09-00)**

Payroll checks under \$1,500 shall be signed by one (1) Board member and one (1) authorized staff member. Payroll checks over \$1,500 shall be signed by two (2) Board members.

**2502 Non-payroll Checks (02-09-00)**

Non-payroll checks of \$3,000 and under shall be signed by one (1) Board member and one (1) authorized staff member. Non-payroll checks over \$3,000 shall be signed by two (2) Board members.

**NSCA RULES** **MEMBER PENALTIES** **2700**

**2701 Basic Policy on Penalties, Fines, Fees (02-01-85)**

- 1) It is the policy of the NSCA to protect the rights and privileges of the members and to enforce the CC&R's and Rules and Regulations of the NSCA. Therefore pursuant to the authority vested in the Board of Directors of the NSCA by the CC&R's and Bylaws, the following system of penalties, fines and fees is established and supersedes all previously adopted systems for such penalties, fines and fees.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 2) This system shall be binding on the members of the NSCA, and shall not be the exclusive remedy of the NSCA to deal with violations of the *CC&R's*, *Bylaws* or *Rules and Regulations*. A member shall be responsible for the acts or omissions of his/her guests, lessees or invitees.
- 3) All penalties and fines pursuant to this policy shall be imposed by Board action after reasonable notice and hearing.

**2702 Violation of CC&R's (02-01-85)**

Pursuant to *Article XI, Section 4* of the *CC&R's*, the NSCA has the right to prosecute a proceeding at law against any person or persons who have violated or are attempting to violate the *CC&R's*, and the losing party shall pay any attorney fees of the prevailing party as may be fixed by the court or an arbitrator or referee.

**2703 Non-Payment of Assessment (02-01-85)**

In addition to the right of the NSCA to bring an action at law against the owner for non-payment as set forth in *Article VI of the CC&R's, Section 304* of the *Bylaws* provides that the privileges of the owner, guests and delegates may be suspended by action of the Board of Directors during any period when assessments by such owner remain unpaid.

**2704 Continuing Violation of Rules (10-03-90)**

*Section 304* of the *Bylaws* also provides that the right to use the common areas and facilities may be suspended by the Board of Directors for violation of the *Rules and Regulations* relating to the use of the common areas or the conduct of a member and/or his/her guests for a period not to exceed thirty (30) days.

**2705 Vandalism (12-17-03)**

- 1) Acts of vandalism by a member of the community, his/her relatives, his/her guests, or their employees are strictly prohibited. Any act of vandalism committed by any person described above will be the responsibility of the member. It is the member's responsibility to educate his/her relatives, guests, employees, tenants, and/or service providers about this rule. Acts of vandalism consist of, but are not limited to, defacing of community and private property, damaging vehicles, breaking into community facilities after closing, and damaging or destruction of community assets such as landscaping, fences, signs, roads, bridges, recreation facilities, etc.
- 2) Acts of vandalism shall be dealt with by the Board of Directors, and shall be reported to the Dana Point Sheriff's Department for investigation and prosecution. Individuals caught in the act of committing vandalism may be prosecuted under the California Criminal Code as appropriate.
- 3) Any individual who enters the community illegally and commits an act of vandalism will be reported to the Dana Point Sheriff's Department for investigation and prosecution.
- 4) Any member who commits an act of vandalism on the community, or whose guests, or employees commit an act of vandalism in the community may be fined according to the current schedule of fines and have his/her voting rights and community facility usage privileges suspended for up to thirty (30) days.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**2711 Fines (04-18-07)**

Fines may be levied by action of the Board of Directors after notice and hearing in accordance with the schedule below. Such fines shall become an obligation of the owner and shall be billed in the same manner as the quarterly assessments.

For violation of the *CC&R's*, *Bylaws* or other *Rules and Regulations* not listed in I through VII below, the Board of Directors has the discretion to take the following action:

- 1) 1st Offense: Notice of Violation/Request to Correct
- 2) 2nd Offense: 2nd Notice of Violation/Request to Correct  
Notice of Hearing and/or impose a fine between \$25 and \$50
- 3) 3rd Offense: Request to Correct & Notice of Hearing to impose a fine between \$25 and \$100

<b>I. Architectural Rules</b>			
<b>Type of Violation</b>	<b>1st Stage</b>	<b>2nd Stage</b>	
<b>A. Rule 3103.</b> Failure to obtain requisite approval for modification from Architectural	Immediate Board hearing notice for \$100 fine. Require submittal to the ACC prior to hearing date	Board to refer matter to attorney and all costs incurred will be sought from homeowner as reimbursement	
<b>Type of Violation</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>
<b>B. Rule 3135.</b> Basketball backboards: Improper backboard construction; failure to paint or stain; failure to remove and store on a daily basis	Notice to correct or remove	Failure to correct or remove/store: Hearing and \$50 fine	Failure to correct or remove / store: \$100 fine plus referral to attorney
<b>C. Rule 3140.</b> Signs: Failure to observe rule	Notice to correct or remove	Failure to correct or remove: Hearing and \$50 fine	Failure to correct / remove: \$100 fine plus referral to attorney

**NIGUEL SHORES COMMUNITY ASSOCIATION  
Rules and Regulations as of 06-20-07**

<b>II. Landscape Rules</b>			
<b>Type of Violation</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>
A. <b>Rule 4101.</b> Landscape Improvement – Failure to obtain approval	Notice of Violation / Request to submit	Hearing \$100 fine	Hearing \$200 fine plus referral to attorney
B. <b>Rule 4114.</b> Overhanging plantings	Notice of Violation / Request to correct	Hearing \$100 fine	Hearing \$200 fine plus referral to attorney
C. <b>Rule 4121.</b> Planting Maintenance	Notice of Violation / Request to correct	Hearing \$200 fine	\$400 fine plus referral to attorney
D. <b>Rule 4211.</b> Planting in Common Areas by Members	Notice of Violation / Request to correct	Hearing \$200 fine plus restoration	Hearing \$400 fine plus restoration: possible legal action

<b>III. Tree View Blockage</b>			
<b>Type of Violation</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>
A. <b>Rule 4112.</b> Pad Level Plantings	Notice of Violation / Request to cut trees	2nd Notice: Hearing / \$100 fine	3rd Notice: \$200 fine plus referral to attorney
B. <b>Rule 4113.</b> Slope Plantings	Notice of Violation / request to cut trees	2nd Notice: Hearing / \$100 fine	3rd Notice: \$200 fine plus referral to attorney



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

<b>IV. NSCA Facilities and Common Areas / Structures</b>			
<b>Type of Violation</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>
<b>A. Rule 5102, Community Center Use – Sections 1) thru 10)</b>	Warning	Hearing \$50 fine plus suspension for 24 hours	Hearing \$100 fine plus suspension
<b>B. Rule 5102, Vandalism to facilities. Community Center Use –Section 11</b>	Hearing \$500 fine plus costs to repair	Hearing \$1,000 fine plus costs to repair	Hearing \$2,000 fine plus costs to repair
<b>C. Rule 5103, Failure to observe pool rules. Swimming Pool – Sections 1) thru 17)</b>	Warning	Hearing \$50 fine plus required to leave center	Hearing \$100 fine plus suspension
<b>D. Rule 5105, Sauna – Section 1) thru 3)</b>	Warning	Hearing \$50 fine plus required to leave center	Hearing \$100 fine plus suspension
<b>E. Rule 5107, Tennis court rules – Sections 1) thru 18)</b>	Warning	Hearing \$50 fine plus required to leave center	Hearing \$100 fine plus suspension
<b>F. Rule 6110, Access / Egress to NSCA</b>	Hearing \$50 fine plus cost of repairs / replacement	\$100 fine; hearing for suspension of common area privileges for 30 days plus cost of repairs / replacement	Hearing \$200 fine and referral to attorneys for legal action plus cost of repairs / replacement

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

<b>V. Vehicle Rules</b>			
<b>Type of Violation</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>
<b>NOTE:</b> <i>The fine policy set forth below is in addition to the remedies open to the NSCA including but not limited to tow-away as stated in Rule 6440-C. Imposition of a fine is not a requisite prior to tow-away.</i>			
A. <b>Rule 6401.</b> Visible permit required	Notice of Violation	Hearing / \$100 fine	\$200 fine plus tow-away
B. <b>Rule 6402.</b> Double parking	Notice of Violation	Hearing / \$100 fine	\$200 fine plus tow-away
C. <b>Rule 6404.</b> Prohibited parking	Notice of Violation	Hearing / \$100 fine	\$200 fine plus tow-away
D. <b>Rule 6405.</b> Common area parking	Notice of Violation	Hearing / \$100 fine	\$200 fine plus tow-away
E. <b>Rule 6406.</b> Beach parking	Notice of Violation	Hearing / \$100 fine	\$200 fine plus tow-away
F. <b>Rule 6408.</b> Limited parking	Notice of Violation	Hearing / \$100 fine	\$200 fine plus tow-away
G. <b>Rule 6430.</b> Traffic regulation	Notice of Violation	Hearing / \$100 fine	\$200 fine
H. <b>Rule 6435.</b> Driving motorized vehicle on common area green belts, or over NSCA landscape material	\$200 fine plus costs to repair	Hearing / \$500 fine plus costs to repair	\$600 fine and refer to Sheriff
I. <b>Rule 6440.</b> Abandoned/Stored vehicle (CVC) Section D	Notice of Violation	Hearing / \$100 fine	\$200 fine plus tow-away
J. <b>Rule 6512.</b> Permits – authorized persons/vehicles	Warning	Hearing / \$100 fine	\$200 fine plus suspension of common area privileges

**NIGUEL SHORES COMMUNITY ASSOCIATION  
Rules and Regulations as of 06-20-07**

<b>VI. Animal Control</b>			
<b>Type of Violation</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>
<b>A. Rule 9101. Animal Restraints Required</b>	Notice of Violation	\$50 fine plus notice to Animal Control	\$100 fine plus notice to Animal Control
<b>B. Rule 9101. Dogs and Common Areas</b>	Notice of Violation plus request to clean up	\$50 fine	\$100 fine
<b>C. Rule 9109. Disturbance by Animals</b>	Notice of Violation	\$50 fine plus notice to Animal Control	\$150 fine plus notice to Animal Control

<b>VII. Miscellaneous</b>			
<b>Type of Violation</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>
<b>A. Rule 9201. Littering prohibited</b>	Notice of Violation	\$100 fine plus clean-up costs	\$200 fine plus clean-up costs
<b>B. Rule 9204. Placement for (trash) collection</b>	Notice of Violation	\$25 fine	\$50 fine

**NSCA RULES** **FEES** **2700**

**2712 Administrative Fees (05-16-06)**

Fees shall be set to offset costs for providing specific services and/or materials. Administrative fees are:

- |   |       |
|---|-------|
| 1) Processing fees (includes documents)                               | \$150 |
| 2) Providing copy of Articles, CC&R's, Bylaws, Rules (documents only) | \$100 |
| 3) Refinance fee (includes documents)                                 | \$100 |
| 4) Refinance fee (no documents)                                       | \$ 50 |
| 5) Supplemental CC&R's package  | \$ 50 |
| 6) Delinquent assessment account collections – See <b>Rule 2301</b>   |       |

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**2713 Architectural Fees (see Rule 3181)**

**2714 Gate Access Device Fees (05-16-06)**

- |  |                    |
|--|--------------------|
| 1) Owners: Extra Vehicle Gate Access Bar code<br>(See Rules 6511 and 6512)                                     | \$ 20 Per Bar code |
| 2) Tenants: Vehicle Gate Access Bar code<br>(See Rules 6511 and 6512)  | \$ 20 Per Bar code |
| 3) Lost, stolen or deactivated Bar codes (for re-issuance).<br>This is a non-refundable fee.                   | \$ 20 Per Bar code |
| 4) The escrow withholding deposit is refundable upon<br>return of Vehicle Gate Access Bar code                 | \$ 20 Per Bar code |
| 5) Lost, stolen or deactivated Pedestrian Proximity Device<br>(for re-issuance). This is a non-refundable fee. | \$ 30 Per Bar code |

**2715 Tenancy Fee (04-03-2002)**

A Tenancy Fee of \$75, payable by the property owner, will be charged for each new tenant registration or change of tenant in owner's unit. Tenant is defined as any person(s) renting a residential unit, or portion thereof, from a resident or non-resident owner.

This administrative Tenancy Fee is in addition to current fees/deposits charged for each Vehicle Gate Access Device and Pedestrian Proximity Device issued to a tenant.

The immediate relatives of a non-resident owner (spouse, child, parent, sibling, grandparent, or grandchild) who do not pay rent to the owner, if the owner so states in the *Owner Information Declaration* are not defined as a tenant.

**2721 Notice of Violation (01-01-86)**

Each notice of violation shall specify the nature and date of the violation, or the date said violation was determined, and, if applicable, shall state a reasonable time in which to comply.

**2722 Notice of Hearing (02-01-85)**

Upon notification by management or committee of a continued violation, the Board of Directors shall review the matter. If it is determined there is sufficient evidence of violation to warrant imposition of a penalty, fine, or action at law, the member shall be notified in writing, by certified mail, of the Board's intent to seek compliance. Such notice shall state the specific violation and the amount of fine or nature of penalty or action considered. Such notice shall also provide for a hearing set within thirty (30) days of such notice, provided however that upon written notice by the member of his inability to attend the hearing on said date, a reasonable effort shall be made by the Board to accommodate the member on another date to be mutually agreed upon by the member and the Board.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**2724 The Hearing (02-01-85)**

In the event a hearing is held it shall be before the Board of Directors and shall be open or closed at the discretion of the member. Prior to the hearing, the member shall have access to all NSCA records relevant to the matter, and shall have the right to representation of his choice, including legal counsel. The NSCA shall be represented by management or committee, as appropriate, and shall also have the right to legal counsel.

**2725 The Decision (02-01-85)**

Decision for or against imposition of a fine, penalty or action by the Board of Directors after hearing shall be by official Board action and shall be made in writing to the member, setting forth the reason(s) for such decision.

**2729 Exceptions to the Process (02-25-00)**

The Board of Director's authority to tow away vehicles, as stated in the Parking and Tow-Away Rules and Regulations, shall not require previous notice and hearing. This authority is governed by the requirements set forth in the Parking and Tow-Away Rules (**Rule 6401-08**) and pertinent sections of the *California Vehicle Code*.

**NSCA RULES**

**SUSPENSION**

**2700**

**2751 Legal Basis for Suspension of Rights (02-01-85)**

The authority of the Board of Directors with regard to the suspension of voting rights and the right to the use and enjoyment of the common areas by any member and his/her guests and delegates is pursuant to the authority provided in *Section 304* of the *Bylaws* of the NSCA, *Article IV, Section 3* of the NSCA's *CC&R's*, and *Section 7341* of the *California Corporation Code*.

**2752 Suspension of Rights (06-24-98)**

The voting rights, and/or the right to the use and enjoyment of the common areas, of any member and his/her guests and delegates, may be suspended by action of the Board of Directors for any one or more of the following reasons:

- 1) The member's assessment account remains unpaid and delinquent for a period of sixty (61) days or more. Such suspension shall remain in effect until all unpaid and delinquent assessments are paid in full.
- 2) The personal conduct of the member and/or his/her guests and delegates (including tenants), constitutes a violation of the *Rules and Regulations* adopted and published by the Board of Directors and governing the use of the common areas and facilities and the personal conduct of persons. Such suspension shall be for a period not to exceed thirty (30) days but may be extended by the Board.



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 3) The physical or mental impairment of an individual which presents an unreasonable risk of injury to or threat to the safety of the individual involved or other members and their guests and delegates who are entitled to the use and enjoyment of the Community Center facilities. Such suspension shall be limited to the use of the Community Center facilities and shall be under such conditions and for a period to be determined by the Board of Directors in accordance with the rules and procedures set forth in NSCA Rules 2753 and 5101.

**2753 Procedure for Suspension (02-25-00)**

The following procedures are required for suspension of rights:

- 1) The member or other person whose rights are the subject of suspension shall be given written notice of the nature of the conduct for which suspension is considered, the nature of the suspension action to be taken, and the date, time and place at which the Board of Directors will take action upon the proposed suspension of rights. The notice shall be sent by first-class mail not less than fifteen (15) days prior to the date of the Board of Directors' meeting at which action on the proposed suspension of rights is to be considered by the Board.
- 2) At the time of the scheduled meeting of the Board of Directors, the member or other person shall be entitled to be heard by the Board either orally by attending in person, or by presentation in writing. Any presentation in writing must be received at the NSCA's management office not later than 3:00 pm on the Friday before the scheduled Board meeting.
- 3) The member or other person shall have the right to be represented by an attorney of his/her choice and to present evidence, written and/or oral, on his/her behalf at the scheduled hearing before the Board. The member, or his/her representative, shall also have the right to cross-examine any witnesses presented on behalf of the NSCA.
- 4) If the member (or other person) and/or his/her attorney intend to be present and be heard at the meeting, he/she must notify the Board in writing of such planned attendance at least five (5) days before the scheduled date of the Board's meeting.
- 5) Any suspension of rights of a member or other person by the Board of Directors shall not be effective for at least five (5) days after the date of the Board of Directors meeting at which the member, or other person, was provided an opportunity to be heard. *Notice of Suspension* by the Board shall be in writing and sent to the member, or other person, by first-class mail.

**NSCA RULES**

**FINANCE COMMITTEE**

**2900**

**2901 Budget Assistance (04-01-86)**

The primary responsibility of the Finance Committee is to assist the Board of Directors in the preparation of the Annual Operating Budget. This assistance will include review of the budget requests both from management and from other community committees. The Finance Committee will prepare recommendations to the Board for each line item of expenditure including recommendations for contributions to the reserve fund. The Board will set the final budget after considering the Finance Committee's recommendations along with other relevant information.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**2902 Annual Audit (04-01-85)**

The Finance Committee is liaison with the community's auditor during the preparation and review of the annual audit. This liaison should include all normal audit review functions as well as evaluation of the capabilities of the auditor. Any recommendations the Finance Committee has relevant to the audit or auditor will be made to the Board of Directors.

**2903 Budget Performance (04-01-85)**

It is the responsibility of the Finance Committee to undertake a monthly review of budget performance. This review should consider both the accounting correctness of individual charges to accounts as well as a review/critique of plan vs. actual performance. Liaison with management will be required to successfully complete this function.

**2904 Special Projects (02-25-00)**

The Finance Committee may be assigned special financial projects by the Board.

**2905 Board Liaison (04-01-85)**

The Finance Committee's liaison to the Board will be through the chief financial officer (Board member). The chairman of the Finance Committee will communicate directly with the president in the absence of the chief financial officer.



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**STRUCTURES**

**NSCA RULES**

**ARCHITECTURAL REGULATIONS**

**3100**

**Section 1.**

**NSCA ARCHITECTURAL REGULATIONS  
AND GUIDELINES FOR ALL PROPERTIES**

**3101 Purpose and Responsibilities (1-16-02)**

- 1) The purpose of the *Architectural Regulations and Guidelines* is to interpret, implement and complement the recorded *Covenants, Conditions, and Restrictions (CC&Rs)* that govern all properties in the Niguel Shores Community Association. These regulations and guidelines are not intended to discourage or impede improvements, constructions, landscaping or drainage; but to help ensure that all such improvements will contribute to the overall attractiveness of the association's neighborhoods, and will not unreasonably interfere with the views and privacy of neighboring properties. The regulations and guidelines are necessary to advise members in advance of the types of exterior improvements that will and will not be allowed in order to meet these objectives.
- 2) Most of the tracts in Niguel Shores were developed as neighborhood units, as opposed to individual lots. The size and shape of the homes, their position on the lot, their architectural style, their paint colors and exterior materials, and the surrounding landscapes were planned to present a pleasing appearance. All of these features contribute to the overall attractiveness of the community. These regulations are intended to preserve the attractive appearance of each neighborhood in the community, but are not necessarily intended to maintain the original architecture in perpetuity. A homeowner who wishes to change the exterior of his/her property must submit the proposed changes to the Architecture Control Committee for review and approval.
- 3) The Architecture Control Committee has the responsibility to apply the regulations and guidelines fairly and consistently to all applications for exterior changes to members' properties.
- 4) All members wishing to make exterior changes to their property must fill out an application, pay a fee (if required), pay a construction deposit (if required), and receive approval in writing from the Association prior to making any changes to their property.
- 5) All members have the responsibility of reading, understanding, and abiding by the *CC&Rs* and the *Rules and Regulations* of the Association.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**3102 Architecture Control Committee (ACC) (5-16-06)**

**Organization**

- 1) The Architecture Control Committee (ACC) is composed of members of NSCA. The number of committee members is determined by the Board of Directors but shall be no fewer than three. A quorum consists of three members of the ACC. A quorum must exist for any vote by the committee to be taken. The exception to the rule is if a member or members have to withdraw, the committee can continue to take action as long as the affirmative votes equal at least a majority (two) of the number required to make a quorum (three). The ACC chairperson is a voting member of the committee. The position of Chairperson can be rotated amongst the Board-appointed voting members of the committee.
- 2) A Board of Directors member is assigned as liaison to the ACC and may be counted as a member of the ACC for quorum purposes but may not vote.
- 3) To qualify for membership of the ACC, an owner should have familiarity with the *Architectural Regulations and Guidelines* and related provisions of the *CC&R's* and should be able to read and understand construction plans, terminology and specifications. He/she should have some familiarity or experience in the field of construction, architecture, or the building trades.
- 4) Members of the committee are volunteers nominated by ACC members or chosen by invitation, and appointed by the Board. The position of ACC chairperson can be rotated amongst the Board-appointed voting members. The committee must approve a nomination for new membership or removal of a member by majority vote. Each action regarding ACC membership must be confirmed by vote of the Board of Directors.

**Responsibilities**

- 1) The ACC is charged with approval or disapproval of homeowners' requests to develop vacant lots, add new structures, modify existing structures, and make any other exterior improvements. The ACC, in examining such requests, shall consider among other things:
  - a) The site dimensions
  - b) The aesthetic suitability of the design and materials of the structures
  - c) The effect of the location, elevation and use of the requested modification, including drainage, on neighboring properties and streets.
  - d) The protection of reasonable ocean and other views and reasonable privacy of surrounding properties
  - e) The conformity of the homeowner's plans and specifications to the existing *CC&Rs* and *Architectural Regulations and Guidelines*.
- 2) The committee's responsibility to consider the adequacy of structural design and material, as provided in *Article VII, Section 1* of the *CC&R's*, is limited to the suitability of the aesthetic structural aspects of a proposal or improvement, and does not include the engineering aspects of the homeowner's proposal or the safety or durability of the structural design or material. The adequacy of the engineering aspects and integrity of the interior design and material of a structure or improvement are the sole responsibility of the homeowner and all such matters are to be in compliance with the requirements of the City of Dana Point and all other appropriate governmental and non-governmental agencies and parties.



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 3) **Architecture Control Committee Meetings:** The ACC shall meet not less than twice each month on a regularly scheduled basis. The dates of the regularly scheduled meetings are published each month in the community's newspaper, the *Seashore News*.
- 4) **Homeowners' applications for ACC approval** must contain all the necessary information and plans. They must be filed in the NSCA office before the close of business at least five (5) business days prior to a scheduled ACC meeting in order to be reviewed by the ACC at that meeting. Applications filed after that deadline will be scheduled for review by the ACC at its next regularly scheduled meeting.

**3103 New Construction or Modifications to Home Sites (04-18-07)**

- 1) An owner must submit an application to the ACC for its review and approval before beginning any demolition or construction of a new home or initiating any external modification of an existing home site. See **Rules 3118, 3119, and 3120** for a list of the information to be provided with applications. Any plan approvals are rendered null and void if a property is sold, transferred, or changes ownership by any other means unless actual physical demolition or construction on the project has been substantially started. A new application for ACC approval must be resubmitted after a change in ownership. If a property changes ownership after demolition or construction has substantially started, the new owner must sign the prior owner's original ACC approved plans agreeing to follow the original plans and to submit an application to the ACC for approval of any changes.
- 2) The homeowner who starts or completes any construction or modification without first obtaining approval by the ACC may incur a Board of Directors hearing and a fine and, also, may be subject to further legal action by the Association.
  - a) The types of construction, external changes, landscaping, and drainage that require an application submittal to the ACC include, but are not limited to:
  - b) New home construction, additions, or external modifications to existing homes and attached or related structures.
  - c) Other improvements of home sites, including installation, replacement, modification, construction, or alteration of the following: air conditioning units, awnings, barbecues, decks, doors, driveways, exterior lighting, garage doors, gazebos, hot tubs, landscape and softscape, patio hardscape and patio covers, planters, roofs, skylights, solar panels, spas, street number signs, swimming pools, trellises, walks, walls, weathervanes, and windows.
  - d) Exterior painting or repainting of any structure, including houses, garages, roofs, fences, garden or perimeter walls, planters, etc.
  - e) Temporary structures, including playground equipment, recreational and sports accessories, playhouses, etc.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**3104 Modification Restrictions (5-16-06)**

- 1) Second-story additions to one-story homes - The Niguel Shores community consists of nine separate neighborhoods. Some of the neighborhoods are all two-story homes, some are all one-story homes, and some are a mixture of one- and two-story homes. Please see the appropriate description of the individual neighborhoods in *Section 2* of these *Architectural Regulations and Guidelines* for a description of allowed second story additions.
- 2) Vertical raising of roof lines - The raising of the roof line of a residence to higher than the highest existing original ridge is not allowed, except in those cases listed under *Section 2* of these *Architectural Rules and Regulations* defining each tract. (Berkus – Tract 7447; Atlantic Garden Homes – Tracts 6782 and 8038; Shores Garden Homes – Tracts 6883, 7203, 7573)
- 3) The construction of a second or multiple dwelling units on one property is not permitted.
- 4) Reflective glazing or coatings are not permitted when such treatments will cause an unreasonable reflective visual distraction to other properties.
- 5) Any building or other structural addition of any kind (including fences, trellises, arbors, etc.) shall not unreasonably interfere with the ocean or other view from another property or unreasonably interfere with privacy.
- 6) Structures, plantings or other materials shall not be placed or permitted to remain, nor may other activities be undertaken, including re-grading or changes in ground surface elevation, which might interfere with established slope ratios, create erosion or sliding problems, or interfere with established drainage functions or facilities.
- 7) Slump stone walls and pillars visible from other lots and the street may not be painted or altered.
- 8) Modifications which encroach on reserved easement areas are restricted. See *Section 2* for more details.
- 9) Height of houses
  - a) The height of all new houses and additions to existing houses shall be limited to avoid unreasonable view interference, and unreasonable privacy invasion.
  - b) New one-story houses shall not exceed fifteen (15) feet in height above the original grade and two-story houses shall not exceed twenty-four (24) feet in height above original grade. Original grade is defined as the grade level existing at the time of most recent house purchase.
- 10) Auxiliary buildings or other similar structures, where permitted, shall be constructed of materials compatible with the residential structure and painted the same colors as the home. Freestanding or attached sheds (utility storage units, dog houses, etc.) shall not be visible from any street, common area, or adjacent property.
- 11) In order to be approved, awnings must be a solid color and must harmonize with the house color.
- 12) Crawl spaces below the first floor level are not permitted, nor are raised first floors permitted which exceed the normal concrete pad height (approximately six (6) inches) above the original grade.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 13) New drains from private property to the street must be cored through the curb and under the sidewalk (if present). The cored section shall be lined with ABS drain pipe.
- 14) The construction of a single new home or modification of two existing homes to create a single new home, on two or more combined adjoining lots is not permitted.
- 15) Chimneys, including the cap and any fire arrester, shall be no higher than the minimum height of the chimney required by the City of Dana Point Building Code.
- 16) Soil on a lot abutting a residence on an adjacent lot must remain four inches (4") or more below the weep screed or exterior sheathing of the residence and must be sloped away from the residence.

**3105 Required City of Dana Point Approval (1-16-02)**

Approval of a homeowner's application by the ACC does not eliminate the owner's responsibility to obtain all necessary permits required by the City of Dana Point when applicable. An approval by the ACC shall be null and void without permits required by law being obtained by or for the owner. Construction done on the homeowner's property must be in accordance with ACC approved plans. Any change to the homeowner's plans after ACC approval, including those required by the City, must be resubmitted for reconsideration by the ACC. The homeowner shall not be issued an NSCA Work in Progress Card, and construction may not be started, until the owner has paid all fees and can demonstrate that needed city permits have been obtained.

**3106 Re-submittal to ACC After City Permit Approval (1-16-02)**

Any changes to ACC approved plans approved or required by the City of Dana Point must be resubmitted for reconsideration by the ACC. The changes to the ACC approved plans must be highlighted on the city approved plans for the committee review. This requirement normally applies to large remodels and new construction as designated by the ACC, and the homeowner will be notified of this requirement at the time of ACC approval. Failure to resubmit city approved plans will result in a violation notification and a Board of Directors hearing and a possible fine or removal of construction order.

**3107 Violations and Enforcement (1-16-02)**

The ACC has the authority to recommend removal of any construction from any premise and /or the correction of any violation within the jurisdiction of the ACC. The ACC will note violations of the *Architectural Regulations and Guidelines*, and recommend enforcement action to the Board of Directors. Any such ACC recommendations will cite a specific breach of the *CC&R's* or the *Architectural Regulations and Guidelines*.

**3108 Inspections (1-16-02)**

The ACC may examine a property while considering an application for proposed construction, and at any time during and upon completion of the construction after consultation with the homeowner.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**3109 Consulting Architects and Other Professionals (1-16-02)**

- 1) The ACC may use the services of a consulting architect or other professional for all new structures and exterior design modifications or additions to existing structures. The architect or other professional may inspect the property, after consultation with the homeowner, as part of the review of the plans and shall report back to the ACC all findings and observations.
- 2) The architect or other professional may also check the job during construction and upon completion to ensure compliance with the approved plans and report to the ACC whether or not the work has been satisfactorily completed after consultation with the homeowner.
- 3) The reports prepared by the architect or other professional may be oral or in writing for attachment to the file copy of the plans and related documents.
- 4) The fees for the services of the consulting architect or other professionals when needed shall be borne by the owner. These fees are not refundable, once the application has been approved. These fees are listed on the current Architectural Fees and Construction Deposits Schedule (see **Rule 3181**). A current schedule may be obtained from the NSCA office.
- 5) The consulting architect or other professional may charge an additional fee upon approval of the application, depending upon the extent and complexity of the proposed improvements. This additional fee is the responsibility of the owner and is not refundable.
- 6) A refundable deposit will be charged for certain types of construction. This construction deposit will be refunded upon presentation to NSCA of written notification by the ACC of satisfactory completion in accordance with the approved plans and the clean-up of all construction debris. A current schedule may be obtained at the NSCA office.

**3110 Classification of Approvals, Non-approvals (1-16-02)**

The ACC may classify a Final Plan as approved as submitted, approved with conditions, continued, or disapproved at any regular or special meeting at which a quorum is present.

**3111 Appeal of Committee Decisions (1-16-02)**

Any action or decision of the ACC with which the owner disagrees may be appealed by the owner to the Board of Directors for its review. The requirements and procedures for an appeal to the Board may be obtained from the NSCA office.

**3112 Incomplete Applications (1-16-02)**

Failure of an owner to comply with the rules for the submission of an application or to provide all required information, documents, plans specifications, brochures, samples, etc., as required by these *Architectural Regulations and Guidelines* to the satisfaction of the ACC, shall result in the rejection of the application because it is incomplete. The owner shall be advised of the deficiencies of the application and may resubmit the application with the appropriate required information.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**3113 Forty-Five Day Decision Period (1-16-02)**

In the event the ACC fails to either approve, or conditionally approve, or disapprove a timely and complete application within forty-five (45) days after submittal, it shall be conclusively presumed that the ACC has approved the application as submitted.

**3114 One-Year Approval Limitation (1-16-02)**

- 1) The status of an approved application for new construction, additions or modifications to an existing structure shall be in effect for one year from the date of approval.
- 2) In the event construction is not started within one year after the date of approval, the approval will no longer be valid. A new application must be submitted if the owner wants to reinitiate the project. The *Architectural Regulations and Guidelines* requirements in effect at the time of re-submittal shall apply.

**3115 Completion of Construction (04-18-07)**

- 1) Any construction approved by the Association shall be commenced within one year of the date of issuance of the work in progress card, and shall be diligently pursued to completion within eighteen (18) months of issuance of the work in progress card.
- 2) If construction is not completed within the completion time limit specified in **Rule 3115-1**, the approved plan submittal will expire and the homeowners will be required to resubmit a new application for final plan approval and pay a new fee. The construction deposit will be held for the new submittal and will not be refunded until the project has been completed satisfactorily in compliance with the approved plan and the Rules and Regulations. If the homeowners demonstrate that they have acted in good faith to pursue project completion within the time limit, the Architectural Committee may waive the fee requirement for the new submittal. (See **Rule 3181** for a list of construction deposits and fees.)

**3116 Changes After Approval (1-16-02)**

Any intention to change, supplement or alter any portion of plans, specifications, materials, etc., after approval by the ACC and/or after construction has begun, shall first be resubmitted to the ACC for review and consideration of approval prior to beginning implementation of the intended change.

**3117 Display of Work in Progress Card (1-16-02)**

During the course of construction and until final completion, the NSCA *Work in Progress Card* shall be conspicuously displayed at the front of the property at a location that is clearly visible from the street.



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**3118 Applications for Association Approval (1-16-02)**

- 1) Members of the Association have a choice of two types of applications they may submit for consideration by the ACC. The first is a Preliminary Plan (see **Rule 3119**), which is optional. The Preliminary Plan is easier to put together, requires less formal planning and results in the ACC providing advice and counsel about the suitability of the plan. There is no approval or denial of a Preliminary Plan. The ACC will respond to the member in writing with all the aspects of the plan that appear to have no problems and all of the other aspects that may violate some of the *Architectural Regulations and Guidelines*. Preliminary Plan submittals are advised for very large construction projects where the homeowner wants to understand the ACC's position on a project before investing in more costly plans. Preliminary Plans must eventually result in the submission of a Final Plan, in order to obtain approval for construction. A Preliminary Plan application must include two (2) sets of preliminary plans showing:

Plot plans, building outlines, elevations, dimensions, roof height, location on the lot, setbacks from lateral property lines, front property line, top and toe of appropriate slope, pad grade level, walks, fences and fence heights, and the accurately placed outlines and locations of the houses on either side of the property.

- 2) The second is a Final Plan (see **Rule 3120**). The Final Plan application results in a formal approval or disapproval by the Association. The ACC uses the information submitted by the member to make a firm decision about the project plans as submitted. The Final Plan submission must include the following items:
- a) Two (2) sets of architectural plans
  - b) The architectural plans shall contain the following information:
    - \* Plot plan, drawn to scale, showing lot layout, dimensions, north arrow, sements, property lines, pad grade levels, top and toe of appropriate slopes, building outlines, driveways, walks, fences (including heights), and the plot outlines and accurately placed locations of the house(s) on either side of the property.
    - \* Drainage plan showing the drainage of water to the street and away from the slope. No drainage down the slope will be approved.
    - \* Floor plan with dimensions identifying the areas added or altered.
    - \* Roof plan showing eaves, overhangs and above roof projections such as vents, chimneys, solar panels, skylights, weathervanes, etc.
    - \* Exterior elevations showing all doors, windows and roof lines. Indicate all materials used on exterior. Indicate roof pitch and height.
    - \* Exterior paint colors with paint samples on color chips or painted examples on appropriate material.
    - \* Samples, or brochure descriptions, of exterior surface material.
  - c) Payment of refundable construction deposit (if required).
  - d) Payment of nonrefundable architectural review fee (if required).

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**3119 Preliminary Plans Submittal (08-21-02)**

- 1) A Preliminary Plan submittal is optional and is not a prerequisite to a Final Plan submission. The preliminary plan submittal procedure is a means for an owner to seek feedback on preliminary plans that show what the owner proposes to do. Such plans shall be submitted in duplicate showing enough detail that the ACC can visualize the proposal. Other information, specifications, sketches, brochures, etc. may also be provided.
- 2) The response from the ACC based on its review of a preliminary plan submittal is advisory only. Any comments regarding a preliminary plan submittal, written or oral, made by the ACC, must be considered by the owner as no more than informal guidance. These comments must not be construed as an implied approval of a variance of a rule or the likely disposition by the ACC as to its final approval or disapproval.
- 3) The response of the ACC regarding a Preliminary Plan submittal shall not be construed to imply ACC approval of the project. The response of the ACC will specifically state any elements of the plan that appear to be in conflict with the pertinent sections of the *CC&R's*, the *Architectural Regulations and Guidelines*, or community standards of architecture and aesthetic suitability as interpreted and applied by the committee.
- 4) One copy of the Preliminary Plan shall be returned to the owner with the ACC's comments, which may serve as an informal guide in the event the owner begins the preparation of a Final Plan application submission.

**3120 Final Plan Submittal (Required) (12-17-03)**

- 1) Two sets of final construction plans shall be submitted to the committee for approval. When approved, one set will be retained in the Association files and one (1) set will be returned to the applicant.
- 2) Approval or conditional approval shall be contingent upon payment of additional architectural or other professional fees and/or construction deposits, and/or payment for obtaining a properly completed covenant, if required.
- 3) Construction drawings shall contain the following information where pertinent to the construction proposed:
  - a) Plot plan, drawn to scale, showing lot layout, new dimensions drawn in heavy lines, north arrow, easements, topographical information (such as property boundary lines and pad grades when changed from original lot grades), top and toe of all slopes, building outline, drives, walks, fences (including heights) and other site improvements.
  - b) A plot outline showing locations of structures on adjacent properties in relation to common boundary lines and existing and proposed structures on owner's lot shall be included.
  - c) Slope control area imprint plan (Breakers Isle)
- 4) Elevation plans with dimensions for exterior, showing all doors, windows and roof lines, indicating all materials used on exterior, including planters and fences. Indicate roof pitch and height relative to that of the existing building.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 5) Building sites shall drain in accordance with the original grading plan in a manner to prevent erosion and all modifications of lot drainage shall provide for drainage to the front street and not down any slope control areas.
- 6) Floor plans with dimensions identifying the area being remodeled, constructed, added or altered and a sufficient portion of the existing structure to permit orientation.
- 7) Renderings and/or perspective sketch, if necessary, to clarify design.
- 8) Skylights. All plans for skylights must be submitted to the committee for approval. Skylights must be non-reflective (non-glare) and frame of skylight must match color or blend with roof. Location of skylight must be shown on plans or drawings.
- 9) Exterior surfacing materials including colors. Sample and brochure required.
- 10) It is the owner's responsibility to provide all required information and materials, including accurate lot layout showing the location of existing and proposed structures and improvements on the lot and topographical information.

**3121 NSCA Common Areas and Homeowner Liability (1-16-02)**

Any construction by or for a homeowner which requires access across or onto any common area or easement area requires approval by the NSCA. Damage of any kind to this common area including streets, gates and the PCH bridge or NSCA easement area is the responsibility and liability of the homeowner. The homeowner is responsible for reimbursing the NSCA for the cost of any repairs required.

**3122 Neighbor Notification (1-16-02)**

An owner whose final plan is under consideration by the ACC for new construction or any external structural modification, expansion, or addition to a property may be required to assemble on the site an in-place mockup using appropriate lumber and/or other materials and three-inch wide yellow or orange tape to provide a virtual model that accurately depicts the dimensions of the proposal. All mock-up supporting lumber or poles should not exceed the height of the yellow or orange tape depicting the dimensions of the proposal. The purpose of the mockup is to assist the ACC in its evaluation of the proposal and also to allow neighbors to visualize the project. The neighbors shall be notified by mail that they may, for a set period of time after notification, view the mockup and examine the exterior plans for the project that are on file in the NSCA office and make written comment.

**3123 Neighbor Agreement to Modifications (1-16-02)**

Any neighbor or Niguel Shores resident has the right to submit written or verbal comments about any proposed modification of property. Such comments are important to members of the ACC and are encouraged. However, only the ACC may vote to approve or disapprove any submission, and only the Board of Directors will determine final resolution of disputes, if any. Neighbor-to-neighbor agreement to a modification by another homeowner does not constitute approval of a submission, or resolution of a dispute.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**3124 Solar Panels and Antennas (10-31-05)**

Solar panels are allowed according to California statutes. However, the NSCA requires that in each such case a written submittal be made to the ACC prior to installation or construction. Solar panels must be boxed in on all sides and placed on the roof after consideration of neighboring views, architectural incompatibility, or unsightly appearance.

**3125 Roof Projections (10-31-05)**

No constructions shall be placed or permitted to remain above the roof of any residential building with the exception of solar energy panels in accordance with **Rule 3124**; satellite dishes one meter (39.37 inches) or less in diameter, wireless cable dishes one meter or less in diameter or diagonal measurement, and traditional television antennas in accordance with **Rule 3125a**; weather vanes; chimneys; and, vent stacks.

**3125a Satellite Dishes and Other Antennas (10-31-05)**

Satellite dish antennas that are one meter (39.37 inches) or less in diameter, wireless cable dish antennas one meter or less in diameter or diagonal measurement, and traditional television antennas ("Permitted Antennas") may be placed on a residence without submission of an application for prior architectural approval. The Federal Communications Commission (FCC) permits the Association to establish preferred locations for Permitted Antennas. Since the Association was formed to maintain and enhance property values and provide for aesthetic harmony, Permitted Antennas should be reasonably screened in accordance with the guidelines described below and installed at the rear of the residence if an acceptable signal can be received from that location. If an acceptable signal cannot be received from the rear of the residence because of the orientation of the home, a Permitted Antenna may be installed at the front or side of the residence, as necessary to receive an acceptable signal, in accordance with the following guidelines:

- 1) Permitted Antennas should be reasonably screened or concealed, such as by painting the antenna and cable wire to match the color of the nearest adjacent surface of the roof, stucco, as long as such screening or concealment will not unreasonably increase the cost of installation, unreasonably delay the installation, or render reception of an unacceptable signal. The Association further encourages the installation of the Permitted Antenna behind the chimney, so as to reasonably screen the antenna from view.
- 2) Traditional television antennas installed on the roof of the home should not be higher than reasonably necessary to receive an acceptable quality signal and the height of allowable antenna masts may also be regulated for safety purposes.
- 3) Subject to FCC regulations and any other applicable laws, no other type of antenna or dish of any kind shall be permitted on any property within Niguel Shores without the submission of a prior architectural application to the ACC.

**3126 Waste Water Disposal from Pools, Spas, and Hot Tubs (1-16-02)**

All waste water from a swimming pool, spa, or hot tub must be disposed of through a public sewer system for the home in accordance with the requirements of the City of Dana Point.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**3127 Skylights (1-16-02)**

Skylights must be non-reflective, and their frames must match or blend with the color of the roof. Electrical lighting under the skylights within the house must not emit visually distracting and annoying levels of illumination skyward during hours of darkness.

**3128 Proximity of Buildings to the Slope (1-16-02)**

- 1) Each building at the top of the slope shall be set back from the top of the slope a distance of at least ten (10) feet.
- 2) Each building at the toe (bottom) of a slope shall be set back from the toe of the slope, without the use of a retaining wall, a distance of at least one half the vertical height of the slope.
- 3) Any proposal for construction on an upward slope must be submitted for approval.

**3129 Reserved Easement Areas (06-20-07)**

- 1) NSCA and/or individual members of the NSCA have been granted easements over certain portions of the lots within the various tracts as described hereafter. For the purposes of these rules, these easements are designated easement areas. Homeowner modifications within these easement areas must comply with the *Architectural Regulations and Guidelines*. No owner of a lot upon which an easement area is located shall prevent NSCA or the owner of the adjacent lot for whose benefit the easement area was established from gaining reasonable access to the easement area to maintain their property.
- 2) Zero Lot Line Easement Areas:  
This easement area is located over the side yard lot, along the common boundary line with the adjacent lot. This easement is for the purpose of the owner of the adjacent lot maintaining, repairing, and replacing the residence and appurtenances on the adjacent lot, and to ensure the unobstructed surface water drainage to the street over the lot upon which the easement is located. Construction in these easement areas is limited to such modifications as landscaping and free standing fences or walls with access gates. All construction in these easement areas must be approved by the Architectural Committee and must not obstruct or change the direction of the drainage or the volume of surface water flow to the street.

**3130 Berms (1-16-02)**

- 1) A berm is a ridge at the top of a slope which directs surface water to drainage channels toward the front of the lot and to the street (in the majority of the tracts) in order to prevent such water from draining directly down the slope. The berm on each lot must be maintained and not disturbed in order to retain the established drainage pattern and to avoid erosion and damage to the slope.
- 2) No construction of any kind shall be permitted beyond the berm, except as may be authorized pursuant to **Rule 3167**.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**3131 Utilities (1-16-02)**

- 1) Underground Utilities - All piping, wiring and cabling for utilities must be underground for gas, water, electric, cable TV and telephone service. All extensions of utilities shall be placed underground or concealed within approved permanent structures.
- 2) Electric meters - Electric meters should be placed out of sight on the front of the residence. Electric meters can be enclosed, provided the cabinet meets the electric utility specifications. Cabinets must be painted to match the adjoining wall.
- 3) Gas meters - Gas meters must be placed out of sight on the front of the residence and painted to match the adjoining wall.
- 4) PVC pipes must be placed below all new or remodeled or repaired driveways, where the driveway abuts the sidewalk or curb when there is no sidewalk, to facilitate maintenance of NSCA electrical and water lines. PVC piping (using 1¾ inch Sch. 40 PVC electrical conduit, and 1¾ inch Sch. 40 PVC water pipe) is to be extended one foot beyond each side of the driveway.

**3132 Roofs (10-31-05)**

- 1) Repair or replacement of roofs - Any repair or replacement of a roof or change in type of roofing or deviation in color from the original requires the approval of the ACC. Submittals for the use of new materials must include a brochure for the product with the name/type/color and an actual piece of the roofing material. A repair is defined as a replacement of up to one-third of the existing roof.
- 2) Roofing material for pitched roofs - clay tile, concrete tile, concrete shakes, metal tile (e.g., Decra or Sierra or equivalent) are allowed. Roofs must be replaced with a fireproof roof of same materials as mentioned above. Asphalt impregnated shingles and products that appear similar are not allowed. Wood shingle and wood shake roofs cannot be replaced with shingles or wood shakes. Wood type roofs can be repaired with the same material only when the repair is approved by the ACC, and the material used meets the fire retardant standards required by law.
- 3) Roofing materials for flat roofs - Gravel or synthetic equivalent to gravel may be used on flat roofs. A sample of the color of the gravel or the synthetic must be submitted to the ACC. White gravel is not allowed. Beige or brown is preferred but gray is allowable when it matches the house color.
- 4) Painting of metal flashing, vents or pipes - Metal flashing and vents (pipes) must be painted to match the color of the roof, house or trim whichever is less noticeable.

**3133 Painting (5-16-06)**

- 1) Approval must be obtained from the ACC for any painting/staining or repainting/re-staining of the exterior of any owner's home, fences, walls, planters, etc. Color chips or a piece of painted material must be provided with the submittal.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 2) Color choices are to be designated for each external area of the house to be painted/stained, e.g., stucco walls, wood siding, fascia board and/or underside of eaves, window trim, doors, patio cover, house overhangs and posts, garage doors and garage door trim. All exterior walls and trim of a home and garage structure must have the same color scheme. The color of the garage doors may differ from the house or trim color if the garage door material (wood, metal, glass, etc.) is deemed consistent with the architectural style of the home by the ACC. The Villa owners should refer to **Rules 3148 (1) and (2)**.
- 3) The fascia board color must be the same on all four (4) sides of the house/garage, including the side of the house at the zero lot line.
- 4) Rain gutters, metal flashing and vents (pipes) must be painted to match the color of the roof, house or trim (whichever is less noticeable) at the same time the remainder of the house is painted.
- 5) Repainting/re-staining shall be completed within 120 days after approval.

**3134 Spaces in Driveways for Two Automobiles (5-16-06)**

The size of driveways of homes which were originally constructed to accommodate two (2) automobiles must not be reduced to less than the space necessary to park two (2) vehicles. Each vehicle requires a space at least seventeen (17) feet in length and eight (8) feet in width. This space shall not encroach upon the sidewalk, if one is present. However, the length of the driveway cannot be less than the tract setback rules.

**3135 Basketball Backboards (1-16-02)**

- 1) Only one (1) basketball backboard is permitted per residence.
- 2) Permanent basketball backboards - A permanent basketball backboard must be solidly constructed and firmly affixed to the garage or another portion of the house. The backboard, including a target stripe, must be completely painted or stained to match the structure to which it is attached (unless the backboard is transparent), and must be neatly maintained.
- 3) Portable basketball backboards - Use of a basketball backboard is permitted only on a homeowners private property, e.g., in the front yard or driveway. The portable basketball backboard must be removed from the front yard or driveway and stored away from the view of neighboring properties or the streets each day by sunset, or when not in use. The portable basketball backboard is not permitted to be placed on the sidewalk or in the street at any time.

**3136 Flag or Banner Display (1-16-02)**

- 1) Wall mounted brackets for displaying portable flags or banners may be positioned on a house or fence at the owner's discretion.
- 2) A proposal to install a freestanding flag pole must be submitted to the ACC for approval with a diagram showing the location and height of the pole.
- 3) A freestanding flagpole must not constitute a view blockage due to its location, height, or the size of the flag to be displayed.



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**3137 Garages (1-16-02)**

A garage may not be converted into office/living/sleeping quarters/play room, or other such uses.

**3138 Mail Boxes (1-16-02)**

Mailboxes shall be built into or attached to building walls or fences or mounted on posts provided for the purpose.

**3139 Service Yards (1-16-02)**

All service yards and clothesline areas shall be enclosed or fenced so they are reasonably obstructed from view of any street or neighbors' lots.

**3140 Signs (1-16-02)**

- 1) Occupant identification, private security company information, or street number signs may be installed at the owner's discretion. Illuminated street number signs must not project illumination that causes a visual distraction during hours of darkness.
- 2) During actual construction a single sign for a construction company may be placed in the front yard. The sign may not exceed 18 inches by 24 inches. Safety signs and/or safety lights in any number and size, as necessary to protect the residents of the community may also be used during construction.

**3141 Architectural Fees and Deposits (04-18-07)**

- 1) Certain home improvement projects require the payment of a processing fee. The fee must be paid along with the submittal of a Final Plan. Fees are not refundable. However, revised Final Plans for disapproved proposals may be resubmitted within ninety (90) days of decision at no additional fee. When a project is started prior to plan approval, requiring additional administrative costs and inspections, fee is doubled. Please see **Rule 3181** for a list of fees and the classes of home improvements.
- 2) Where Final Plan includes unusual complexity, size, or intricacies and a consulting architect is desired by the ACC, the fee may be increased to cover the costs for the consulting architect. The fee is not refundable. Please see *Exterior Modification Submittal Form* for agreement.
- 3) Where common area may be used, damaged, or involved in any construction, a deposit will be collected in advance. When the construction has been completed in accordance with the approved plans, and all debris has been removed and cleaned up, and any damage to the common area repaired by the homeowner to the satisfaction of the ACC, the deposit will be refunded, less any charges incurred by the Association, and fines assessed against the owners for failure to complete construction within the completion time limit specified in **Rule 3115-1**. (See **Rule 3181** for the schedule of Architectural Fees and Deposits)

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**Section 2.**

**NSCA ARCHITECTURAL REGULATIONS AND GUIDELINES**  
**FOR INDIVIDUAL NEIGHBORHOODS**

*Section 2* is organized into the various sections of the community for which separate rules and regulations apply. Each section is titled with the name of the neighborhood and its tract number(s). Please refer to the map that follows for the name and tract number that apply to a residence.

If there are questions about the rules and regulations that apply to individual tracts and neighborhoods, please check with the staff at the association office for clarifications and explanations.

**Sea Terrace I - Tracts 6881, 6884, 7515 – (Map page 53 - H. I. J.)**

**Sea Terrace II - Tract 8602 – (Map page 53 – M)**

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**3142 Modification Restrictions (5-16-06)**

- 1) Sea Terrace I and II were designed to have a mix of one- and two- story homes. These homes were designed and located as attached townhomes in sections of two or three houses per unit. The location and number of the two-story homes with respect to the one-story homes was planned to optimize the views of all the townhomes. As a result, existing one-story townhomes cannot add a second story, nor can a one-story addition in the front courtyard area exceed the height of the existing original garage roof ridge line. Owners of existing two-story homes may submit requests for expansion of the second story, and the ACC will consider those requests on an individual basis.
- 2) Walls and Fences
  - a) Construction beyond the six-foot privacy fence line. The six-foot privacy fence line is an imaginary line drawn between the outward ends of the two (2) six-foot high privacy fences that run along the sides of a townhome in the back yard area. This imaginary line is roughly parallel to the top of slope in the back yard. No structural building or addition, including second floor balconies, first floor patio covers shall extend beyond this line, with the one exception that a thirty-six inch roof overhang may extend beyond this line.
  - b) The six-foot privacy fences themselves cannot be changed in height or length. The approximately three-foot high fences across the sides and back of the townhouse properties (which permit lateral views from the back yards of the townhouse) cannot be changed in height or length. In some cases where there is no view, there is a six-foot high fence across the back of the townhouse property. Again, this six-foot high fence cannot be changed in height or location.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- c) Some townhomes have a view from the street or the side of the property. High (approximately six-foot) and low (approximately three-foot) fencing exists along the front or the sides of these properties for privacy reasons. No changes are permitted in the height or location of these fences. No construction is permitted across the street or side of any lot that would unreasonably interfere with the view from other properties.
  - d) Except as provided in (f), below, existing three-foot wood fences may be replaced with wood, synthetic-simulated wood, slump stone, blocks/bricks, wrought iron, concrete block covered with stucco, of specified color and size to match with the same materials found throughout the community. In certain cases, the existing fence may be removed entirely. The new fence must be no higher than three (3) feet and the same length, and in the same location as the original fencing.
  - e) Existing six-foot side yard privacy fences between lots may be replaced with wood, synthetic-simulated wood, slump stone, or concrete block covered with stucco.
  - f) Existing six-foot rear yard fences and six-foot side yard privacy fences adjacent to greenbelt common areas must be replaced only with wood or synthetic simulated wood or slump stone.
  - g) In Sea Terrace II only, the high backyard wooden fence at the south end of La Cresta may only be replaced with the same construction materials, color and dimensions.
- 3) Setbacks
- a) Certain dwellings were initially provided with open spaces in the side yard of as little as a three-foot setback from the property line. Such open spaces may not be reduced in size. Other lots were provided with open spaces in the side yard greater than five (5) feet. Structural additions in these lots must come no closer to the property line than three feet.
  - b) Townhomes at the ends of streets must maintain a five-foot setback from the property line on that side of the house that adjoins a street or greenbelt.
  - c) Front additions to townhomes shall be set back a minimum of twenty (20) feet from the front property line.
  - d) Existing garages that are set back more than twenty (20) feet from the front property line can make an addition provided the addition is not closer than twenty (20) feet from the front street inside of the curb line in the absence of a sidewalk, or the inside of the sidewalk where the sidewalk exists.
  - e) In certain townhomes, where the rear property line does not abut a downward slope, the rear setback is ten (10) feet from the rear property line or if the rear property abuts the toe of a slope, **Rule 3128 (2)** applies.
  - f) When the rear property line is at the top of slope, **Rule 3128 (1)** applies.
  - g) In the Sea Terrace Townhomes, where buildings have common walls, an addition may be made as an extension of that "zero lot line" with no side setback.
- 4) Utility Services: House or garage additions shall not obstruct existing adjacent property utility services.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 5) Decks: Single story houses may not construct second story decks.
- 6) Exterior Wall Siding Modification Options: The purpose of this rule is to allow townhome owners a greater opportunity to customize their individual townhomes by choosing among different exterior siding materials and to thereby upgrade the exterior of their townhome to provide more interest and curb appeal and to enhance the value of the townhomes in the Sea Terrace I and II Associations. The rule allows a change from only using T1-11 plywood siding that was part of the original townhome development. Townhome owners are strongly encouraged to select one of the exterior siding materials options only or in combination with accent materials with interest and articulation that will enhance the architectural look and appeal of each individual townhouse and, when viewed together, provide a pleasant, compatible and complimentary overall architectural style.
  - a) Horizontal Siding - Fiber-Cement Lap siding (non-combustible) such as James Hardie "Hardiplank Lap Siding" or its equal. A smooth or simulated wood grain Lap siding with a six-inch exposure may be used.
  - b) Shingle Siding - Fiber-Cement shingle style siding (non-combustible) such as James Hardie "Hardishingle Siding" or its equal may be used.
  - c) Stucco - Stucco may be used as an exterior finish for the entire townhome or in combination with Option "a", "b" or "d". Stucco finish shall be limited to smooth and certain types of textured finishes.
  - d) Accent materials such as real brick, real stone masonry, or pre-cast molding trim may be used with Options "a", "b", and "c". Brick or stone veneer (manufactured) will be allowed provided it has the appearance of real (natural) brick or stone.
- 7) Exterior Wall Siding Restrictions
  - a) Use of the approved exterior siding materials as described above is preferred in lieu of T1-11 plywood siding. While it is not recommended, the current T1-11 plywood siding on all townhomes may continue to be used for repairs and for the exterior modeling of existing townhomes. A Submittal for approval must be made to the ACC for any repair that exceeds one-third of the existing T1-11 plywood siding.
  - b) The same exterior wall siding modification options must be applied to all exterior exposed walls of a townhome (including the garage). The amount and type of accent material that may be used on any section of an exterior wall or garage of a townhome will be determined by the ACC on a case-by-case basis. For example, an owner may propose to use accent materials as an exterior wainscot or apply the accent materials to the entire front wall surface of a garage. The ACC will determine the appropriateness and dimensions of the accent material application with the objective of achieving an integrated, harmonious high-quality architectural look.
  - c) All exterior wall siding modification options and trim of townhomes must be painted colors from the color palette as submitted by the Sea Terrace I and II Associations and approved by the ACC under **Rule3133**.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- d) The removal of all existing T1-11 siding of a townhome (including the garage) and replacement with any approved "Option" requires the approval of the ACC and the City of Dana Point before a "Work in Progress Card" will be issued by the NSCA and work can proceed. These approvals are also required if an approved "Option" is applied as an overlay to the existing T1-11 plywood siding of a townhome. An owner will be required to submit an engineering analysis by a qualified professional engineer supporting how the new exterior wall siding will maintain or increase the structural integrity of the townhome structure.
- e) The ACC may consult with the Sea Terrace Association I and II Board of Directors on townhome submittals for exterior wall siding modifications as appropriate.
- f) The ACC responsibilities under the NSCA rules concerning exterior wall siding modifications to the Sea Terrace I and Sea Terrace II Townhomes is confined to the aesthetic suitability of the design and materials of the structures in order to maintain a compatible and harmonious appearance of the townhomes composing the Sea Terrace Tracts. The ACC's responsibility to consider the adequacy of structural design, and material is limited as described in **Rule 3102(2) Responsibilities.**

**8) Painting**

- a) The paint colors for the townhomes shall be selected by the individual Sub-Association Townhomes I and II Board of Directors and submitted to the ACC for approval.
- b) Homes in a two or three townhome unit must be painted the same base and trim color. Trim includes anything added to the unit for decorative purposes. It is Sub-Association policy to maintain an overall pattern of clusters of homes with varying colors to enhance the complete community. Changes and variation in trim colors, within the permitted range of colors, is available to the Association members upon request and subsequent approval by the townhome board and the ACC.
- c) Wooden fences in Sea Terrace I must be painted the same color as the base or trim.
- d) All wooden privacy fences facing common greenbelt areas must be painted a uniform color as selected by the individual Sub Association Townhome I and II Board of Directors and submitted to the ACC for approval.
- e) All garage doors in Sea Terrace I must either be painted the base or trim color or white.
- f) All garage doors in Sea Terrace II must be painted white.

**3143 Reserved Easement Areas (1-16-02)**

- 1) NSCA landscape easement areas

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- a) This area extends from the inside of the front sidewalk or curb line to the front fence/wall of residences. Landscape maintenance easements have been granted to the NSCA for the entire front yard area of each lot. Improvements or changes of any kind these easement areas, e.g., driveways, walkways, fences, walls, patios or structures, etc., are not permitted without proper approval of the ACC.
- b) An application for encroachment or improvement in the front yard easement areas must include the applicant's written agreement to waive the forty-five (45) day limit for the ACC approval or disapproval and the applicant must agree to a sixty (60) day ACC review period.
- c) The ACC shall advise the appropriate Sea Terrace Board of Directors of an owner's application regarding an improvement in an easement area and request the Board's comments.
- d) Conditions of ACC approval require and include, but are not limited to:
  - \* The improvement area is fully described in a covenant running with the land that is recorded as part of the title to the property. The covenant provides that the owner and his/her successors and assigns are responsible for future repair, maintenance and replacement of the improvement or change. If the improvement includes an exterior wall or fence, the Sea Terrace I, or II Association, as appropriate, shall also be a party to the covenant. The covenant shall be executed prior to the start of any improvement.
  - \* The consent and execution of the covenant by the NSCA Board of Directors shall be recorded in connection with the approved improvement.
  - \* Fees and costs to be paid by the owner are:
    - Processing fees of \$750 covering legal/architectural costs of preparation and recording of the covenant and any other expenses.
    - Any additional charges in excess of the \$750 processing fee pertaining to filing fees, photo copies, legal fees, etc.
    - Any later changes after the covenant has been recorded will necessitate a new covenant and related fees and costs.

2) NSCA slope easement areas

These areas extend from the top of slope to the bottom of the slope. No construction, excavation, alteration, or landscaping by owners is permitted in these areas in order that the slope portions of the lots may continue as a composite parcel under the control of the NSCA with the landscaping, drainage, and aesthetic appeal unchanged.

**3144 Roofs (12-17-03)**

When replacing a roof or adding to an existing roof, the product used on the roof must conform to the current design and appearance of the roof. The entire roof must be uniform shingle style roofing. Approval of new contemporary roofing material colors should be limited to uniform brown and gray. Wood shakes and wood shingles may not be used for the replacement of an existing roof (see Rule 3132 (2)). The ACC will consult with the Sea Terrace I or Sea Terrace II Associations as appropriate.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**The Villas - Tract 9098 – (Map page 53 - N.)**

**3145 Modification Restrictions (1-16-02)**

In this neighborhood there are one-story detached homes built close to lot lines with as little as three feet between neighboring houses. Flat roofs on these houses are designed to provide openness between these houses and lessen a row house effect or look. Home sites in this neighborhood are designed to have only one-story houses. No second story additions are permitted. Also, no deck shall be allowed to be constructed on or over any roof or patio cover.

**3146 Reserved Easement Areas (1-16-02)**

NCSA slope easement areas - These areas extend from the top of slope to the bottom of the slope. No construction, excavation, alteration or landscaping by owners is permitted in these areas in order that the slope portions of the lots may continue as a composite parcel under the control of NSCA with the landscaping, drainage, and aesthetic appeal unchanged.

**3147 Setbacks (12-17-03)**

- 1) The side yard setback must be at least five (5) feet from the property line and roof overhangs must be at least three feet from the property line when adding room or house additions to these homes.
- 2) Certain homes were originally built with a three-foot side setback from the property line. Additions to this side must maintain a minimum of a three-foot setback.
- 3) Where one side of the building is a “zero lot line”, an addition may be made as an extension of the “zero lot line” with no setback.
- 4) The rear of a home, which does not abut a downward or upward slope, must have a minimum of a ten-foot setback from the rear property line.
- 5) When the rear property of a home is at the top of a slope, or toe of slope, **Rule 3128 (1)** or **3128 (2)** applies respectively.
- 6) The front entrance section of a home must be setback at least twenty (20) feet from the front (street) property line.

**3148 Painting (12-17-03)**

- 1) The exterior stucco surfaces of a home and garage and the property border wall surfaces facing toward the house are to be painted at the same time using the following Dunn-Edwards (or equivalent) colors:

14	Baja White	60	Navajo White	513	Sahara
514	Bone China	511	Oyster	115-1	Sands White
427	Bone White	70	Pearl Taupe		
651	Milkweed	149	Silver Taupe		

These colors may also be used for the garage door and other trim areas. Optionally, standard white may also be used for the garage door, provided the gutters, and/or window frames are standard white also.



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 2) The trim surfaces of the house (fascia boards, doors, overhangs, etc.) are to be painted using the following Dunn-Edwards (or equivalent) colors.

51 Birchwood	2540 Hawk Brown	2240 Riverbed
3182 Bronze Nude	7 Mesa Tan	133 Sandal
74 Cocoa	79 Norfolk Brown	147 Truffle
128 Drifting	2810 Prairie Dove	

Color boards and chips are available in the Association office. These colors may also be used for the garage doors and other trim areas, if desired. A brown stain, compatible with the colors listed above, may be used on the doors. Optionally, standard white may also be used for the garage door, provided the gutters, and/or the window frames are standard white also.

- 3) When the house is painted, the surfaces of the property line walls facing toward Garibaldi and Via Del Cielo or common area greenbelts must be painted at the same time using Dunn-Edwards 427 Bone White, or equivalent.
- 4) Before repainting, all clinging vines and their tendrils must be removed from all exterior stucco surfaces of houses and border walls. All walls and the garage door must be painted.

Refer to **Rule 3133** for general guidance in painting requirements.

**Berkus - Tract 7447 - (Map page 53 - G.)**

**3149 Modification Restrictions (1-16-02)**

The Berkus neighborhood is designed to have a balanced mix of one-and-two-story detached houses. The site dimensions of this tract could lead to consideration of the addition of a second story to a one-story house on certain lots. The criteria as documented under *Article VII, Section 1* of the CC&R's applies to the decision to allow for the addition of a second story.

**3150 NSCA Slope Easement Area (1-16-02)**

For only those lots in the tract that abut outside streets, the slope easement area extends from the top of slope to the bottom of slope. No construction, excavation, alteration, or landscaping by owners is permitted in these areas in order that the slope portions of the lots may continue as a composite parcel under the control of the NSCA with the landscaping, drainage, and aesthetic appeal unchanged.

**3151 Setbacks (04-18-07)**

- 1) The side yard setbacks must be at least five (5) feet from the property line and the roof overhangs must be at least three (3) feet from the property line.
- 2) In certain homes, where the rear property does not abut a downward slope, the rear setback is ten (10) feet from the rear property line or if the rear property abuts the toe of a slope, **Rule 3128 (2)** applies.
- 3) When the rear property of a home is at the top of the slope, **Rule 3128 (1)** applies.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 4) The front setback of a home with a front entering garage must be setback at least twenty (20) feet from the front (street) property line.
- 5) A home with a side-entering garage cannot make a front addition to the home beyond the nearest garage wall.
- 6) The location of a side-entering garage cannot be changed from its existing location.

**Broadmoor - Tract 6935 - (Map page 53 - A.)**

**3153 Modification Restrictions (12-17-03)**

- 1) This neighborhood is designed to have only detached one-story homes. No second story additions to the one-story homes are permitted.
- 2) On the side of the home opposite to the side with a three-foot easement, no setback will be less than five (5) feet from the property line and roof overhangs must be at least three (3) feet from the property line; however, if the existing structure is less than five (5) feet from the property line, an addition may be made as an extension of that wall with the same setback from the property line.
- 3) On certain lots which have a three-foot easement extending from the front lot line to the rear lot line of the lot, no improvements are allowed except as noted in **Rule 3154 (2)**, Reserved Easement Areas.
- 4) Street end lots do not have a three-foot homeowner easement area. Side yard setbacks must be at least five (5) feet from the property line and roof overhangs must be at least three (3) feet from the property line.
- 5) No front improvements to a home facing the street can be made that extend beyond the furthest existing structure front setback. When the existing home is twenty feet or more from the front property line, the living space shall be permitted to expand to within ten (10) feet of the back of the front sidewalk.
- 6) When the rear property of a home is at the top of a slope, **Rule 3128 (1)** applies.
- 7) Current driveway capacity shall be maintained.

**3154 Reserved Easement Areas (1-16-02)**

- 1) NSCA slope easement areas - These areas extend from the top of slope to the bottom of the slope. No construction, excavation, alteration, or landscaping by the owner is permitted in these areas in order that the slope portions of the various lots may continue as a composite parcel under the control of the NSCA with the landscaping, drainage, and aesthetic appeal unchanged.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 2) Homeowner easement areas – Certain lots have an easement three (3) feet in width along one side of the lot extending from the front lot line to the rear lot line of the lot. The easement area is for the purpose of enabling the owner of the lot on which the easement is located to maintain, repair or restore the structural wall of his/her dwelling, the structure of which it is a part, and the fence owned by him/her which adjoins and abuts the easement; and, to enable the owner of the lot adjoining and abutting the easement to use the easement area as a general recreational and garden area. Improvements in the easement area are limited to such modifications as landscaping and fences or walls with access gates, as approved by the ACC, which will not obstruct or change the direction of drainage or volume of surface water flow.

**3155 Painting (1-16-02)**

When repainting a Broadmoor home, the owner must use the same color of paint approved for painting all the walls of the house including the wall of the house abutting the easement on the owner's lot listed in Article VIII, Section 2 B II, of the CC&R's. Broadmoor homeowners are not permitted to paint the exterior walls of adjoining residences.

**Atlantic Garden Homes - Tracts 6782, 8038 - (Map page 53 – K. L.)**

**3156 Modification Restrictions (12-17-03)**

- 1) These homes are built with zero lot lines and as little as three (3) feet between neighbors. They were originally designed as one-story homes. Some of these homes have been converted to two-story homes while maintaining the original ridgeline and roof height. Those homes that have not been modified to two-story homes may do so providing:
  - a) The extension does not extend higher than the original roof line.
  - b) The extension does not interfere with the neighbors' privacy.
  - c) The extension does not unreasonably interfere with the neighbors' views.
  - d) The extension is aesthetically pleasing and does not detract from the architectural look of the neighborhood.
- 2) Certain dwellings in Atlantic Garden Homes were initially provided with open spaces of five (5) feet from the property line in the side yard area. Those homes must come no closer than five (5) feet from the side property lines.
- 3) Where one side of the house has a "zero lot line", an addition may be made as an extension of the "zero lot line" with no side setback.
- 4) The rear property setback can not be less than three (3) feet from the rear property line with the exception of those homes that were originally built with a rear "zero lot line".
- 5) Certain homes' rear property has an upward slope. These homes must have a rear setback as determined at **Rule 3128 (2)**.
- 6) Homes with front-entering garages must have a home front setback of twenty (20) feet from the front property line.
- 7) Homes with side-entering garages must have a home front setback of twenty-five (25) feet from the front property line.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 8) The location of a garage can not be changed from its existing location.

**3157 Reserved Easement Areas (1-16-02)**

- 1) NSCA landscaping easement areas - This area extends from the front sidewalk to the front fence/wall of residences. No modifications are permitted in these easement areas.
- 2) Homeowner easement areas - This easement area is a three-foot strip along the zero lot line side of the lot. The purpose of these areas is for maintaining, repairing or restoring the structural wall of the dwelling that abuts the easement and to provide the owner of that property adjoining and abutting the easement unobstructed surface water drainage to the street. Construction in these areas is limited to such modifications as landscaping and fences or walls with access gates as approved by the ACC which will not obstruct or change the direction of drainage or volume of surface water flow.

**3158 Painting (1-16-02)**

- 1) Colors are to be compatible with the existing slump stone.
- 2) Slump stone walls and pillars visible from outside the lot may not be painted.
- 3) Any walls installed by the owner may be painted with the approval of the ACC.

**Shores Garden Homes - Tracts 6883, 7203, 7573 (Map page 53 – D. E. F.)**

**3159 Modification Restrictions (04-18-07)**

- 1) The Shores Garden Homes are designed to have a balanced mix of detached one- and two-story homes. There are many one-story, and some two-story homes built with as little as three (3) feet between neighboring houses on one side and zero lot lines on the other. Flat roofs on some of these houses are a feature that is intended to provide openness between houses and lessen a row house look.
- 2) A proposal for a second floor addition to an existing one-story house or a second floor expansion to an existing two-story house onto its flat roof must not result in a bulky design, or a row house effect. If individual circumstances do not otherwise prohibit a second floor addition to an existing one-story house or a second floor expansion of an existing two-story house, the second floor addition or expansion shall not come within five (5) feet of the side yard property line and the roof overhang shall be at least three feet from the side yard property line. A second story addition to an existing one-story home may not exceed the currently existing ridge line. Second floor expansions of two-story homes may not have their roof ridge lines exceed twenty-two feet above grade.
- 3) Certain dwellings on lots in Shores Garden Homes were initially provided with open spaces of five (5) feet or more in the side yard. Structural additions in these lots must come no closer than five (5) feet to the side yard property line.
- 4) Where one side of the home has a “zero lot line”, an addition may be made as an extension of that “zero lot line” with no side setback.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 5) The rear property setback for those homes whose rear property does not abut a downward slope, can not be less than three (3) feet from the rear property line with the exception of those homes that were originally built with a rear "zero lot line".
- 6) When the rear property of a home is at the top of a slope, **Rule 3128 (1)** applies.
- 7) A front addition can not be made to a home beyond the home's nearest garage wall.
- 8) Current driveway parking capacity shall be maintained.

**3160 Reserved Easement Areas (1-16-02)**

- 1) NSCA landscape easement areas - This area extends from the front sidewalk to the front fence/wall of residences or garages. No modifications to houses are permitted in these easement areas.
- 2) NSCA slope easement areas - These areas extend from the top of slope to the bottom of the slope. No construction, excavation, alteration or landscaping by the owner is permitted in these areas in order that the slope portions of these lots may continue as a composite parcel under the control of NSCA with the landscaping, drainage and aesthetic appeal unchanged.
- 3) Homeowner easement areas - This easement area is a three-foot strip along the zero lot line side of the lots. Construction in these areas is limited to such modifications as landscaping by the homeowner and fences or walls with access gates, as approved by the ACC and which will not obstruct or change the direction of drainage or volume of surface water flow to the street.

**3161 Painting (1-16-02)**

- 1) Colors are to blend well with the existing slump stone.
- 2) Slump stone walls and pillars visible from outside the lots may not be painted.
- 3) Any walls installed by the owner may be painted with the approval of the ACC.

**Custom Homes - Tract 7156 - (Map page 53 - B.)**

**3162 Modification Restrictions (1-16-02)**

- 1) This neighborhood is designed to have only one-story homes above the original grade level. No second-story additions to the story above original grade level are allowed.
- 2)
  - a) In this neighborhood the height of the houses is limited to fifteen (15) feet above original grade. Any remodel or addition may not extend higher than the existing roof line or fifteen (15) feet, whichever is the lower. New construction homes (vacant lot or complete demolition and removal of previous residential structure from the lot) may not exceed fifteen (15) feet above original grade.
  - b) Any remodel or addition may not unreasonably interfere with neighbor's privacy.
  - c) Any remodel or addition may not unreasonably interfere with neighbors' views. All construction proposed shall be designed to avoid unreasonable view blockage.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- d) Any remodel or addition must be aesthetically pleasing and must not detract from the architectural look of the neighborhood.
- 3) No improvements of any kind including structures, landscaping, walkways, decks, patios, patio covers, etc., can be installed or constructed by the owner on the NSCA slope control area easement of any lot.

**3163 Setbacks (04-18-07)**

- 1) The side setback in the Custom Homes must be at least five (5) feet from the side property line and roof overhangs must be at least three (3) feet from the side property line.
- 2) Rear setbacks in the Custom Homes must be at least ten (10) feet from the top of the slope. (**Rule 3128 (1)** applies)
- 3) Front setbacks in the Custom Homes must be at least four (4) feet from the front (street) back of sidewalk

**3164 Improvements on Slope Control Areas (1-16-02)**

Easements have been granted to the NSCA over slopes for slope maintenance and drainage purposes.

**Breakers Isle - Tract 6988 - (Map page 53 - C.)**

The homes on Breakers Isle consist of two and three stories. The three-story homes are constructed with one basement story set into the slope below original grade level.

**3165 Building Height (1-16-02)**

The maximum building height of homes on Breakers Isle is twenty-four (24) feet above original grade.

**3166 Building Setbacks (12-17-03)**

- 1) The building must be placed on the lot at least five (5) feet from the side property lines and the roof overhangs must be at least three (3) feet from the side property lines.
- 2) The rear property setback of an existing home from top of slope cannot be changed. The rear wall of the building cannot be moved forward (toward the ocean) from its existing location.
- 3) The building must be no closer than two (2) feet from the front (street) back of sidewalk, provided that Breakers Isle homes with front parking do not reduce the number of parking spaces that currently exist.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

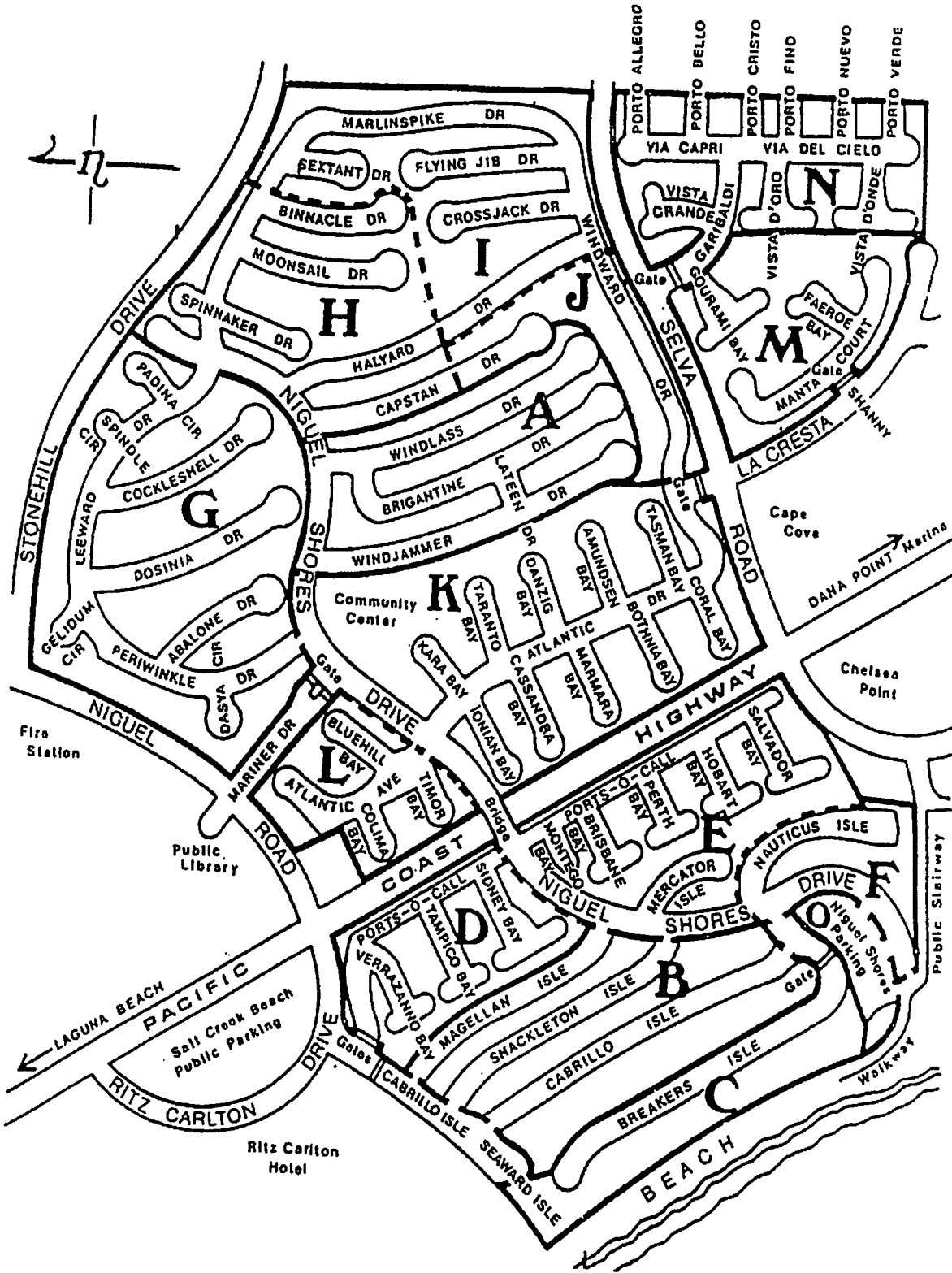
**3167 Proposed Improvements on Slope Control Areas (1-16-02)**

- 1) No improvements of any kind including structures, landscaping, driveways, walkways, etc., may be begun by the owner on NSCA slope control area easement of any lot in Tract 6988 without the prior written approval of the ACC and the Board of Directors of the NSCA. An application must be considered by the committee and the Board of Directors in accordance with, and among other things, the recorded *CC&Rs, Article IX, Section 17* which states: "... No structure, planting or other material shall be placed or permitted to remain, or other activities undertaken on slope control areas or other slope areas which might damage or interfere with established slope ratios, create erosion or sliding problems, or interfere with established drainage functions or facilities."
- 2) Easements have been granted to the NSCA over slopes for walkway, slope maintenance and drainage purposes.
- 3) Any application for encroachment or improvement on or within these easements requires the applicant's written agreement to waive the forty-five (45) day time limit for the ACC's and the Board's approval or disapproval. The applicant must agree to a ninety (90) day review period by the ACC and the NSCA Board of Directors.
- 4) All applications submitted under this section for improvement(s) must be reviewed by the Board of Directors, following review by the ACC, for the Board's comments, requirements, conditions, recommendations, and approval or disapproval as to placement upon the NSCA easements.
- 5) All applications must include:
  - a) An engineer's report
  - b) A soil report
  - c) A landscape plan including an irrigation and drainage plan
  - d) Complete, detailed construction plans or such other reports and information as may be required by the ACC or the Board of Directors.
- 6) Conditions of approval may require and include, but not be limited to:
  - a) The improvement area is fully described in a covenant running with the land that is recorded as part of the title to the property. The covenant provides that the owner and his/her successors and assigns are completely responsible for future repair, maintenance and replacement of such improvement or change, and indemnify the NSCA and its representative(s) against all claims arising from such improvement(s). The covenant shall be executed prior to the start of any improvement.
  - b) The consent and execution of the covenant by the NSCA Board of Directors shall be recorded in connection with the approved improvement.
  - c) Fees and costs that are to be paid by the owner are:
    - \* Processing fees of \$1500 covering legal/architectural costs of preparation and recording of the covenant and any other expenses related thereto.
    - \* Any additional charges in excess of the \$1500 processing fee pertaining to filing fees, photo copies, legal fees, etc.



# NIGUEL SHORES COMMUNITY ASSOCIATION

## Rules and Regulations as of 06-20-07



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**3181 Schedule of Architectural Fees and Deposits (04-18-07)**

<b>Replacement of Existing Items</b>	<b>Fees</b>	<b>Deposits</b>
Minor items: Door, Garage Door, Mailbox, Paint, Patio Cover, Skylight, Window or other replacement item not listed previously (light, gutter, etc.)	\$0	\$0
Major items: Deck, Driveway, Drainage, Fence/Wall, Patio, Roof	\$0	\$500
Remodel (Structure remains the same size and shape but 3 or more of the above major items are replaced with the same size and shape items)	\$0	\$1,000

<b>Improvements (Not Replacements)</b>	<b>Fees</b>	<b>Deposits</b>
The following items may require consulting services and resulting fees will be deducted from the deposit.	As Billed	
Solar Panel(s) and Antenna(s) or Satellite Dish other than "Permitted Antennas" provided for in Rule 3125a	\$0	\$250
Add Door(s), Window(s) or Patio Cover(s)	\$100	\$500
Landscape (Softscape/Plants or Hardscape/Masonry), Drainage, Fence, Wall, Storage Shed, Hot Tub or Pool	\$100	\$1,000
Other improvements not listed above	T.B.D.	T.B.D.

<b>Additions / New Construction</b>	<b>Fees</b>	<b>Deposits</b>
The following items may require consulting services and resulting fees will be deducted from the deposit.	As Billed	
Small Space Addition - less than 500 square feet	\$1,000	\$2,500
Large Space Addition - 500 square feet or more	\$2,000	\$5,000
Any improvements in Breakers Isle slope control areas	\$2,000	\$5,000
Tear Down	\$2,000	\$10,000
New Home	\$3,000	\$25,000

- After the commencement of construction without prior ACC approval the fee for any item is double the amount that would have been required as a deposit had it been submitted properly.
- Any costs incurred by the NSCA relating to a submitted project will be deducted from the deposit prior to refund. (See Rule 3141)

T.B.D. = to be determined



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**4112 Pad Level Plantings (5-16-06)**

No tree or shrub growing on private property at pad level shall be allowed to exceed the height of the highest elevation of the nearest adjoining roof segment, unless such height does not unreasonably interfere with the view from another lot. In areas where an unreasonable lateral view obstruction is involved, plantings at pad level are limited to a height of three (3) feet, or the height of side yard walls or fences in the lateral view lines at the view end of the viewing house.

**4113 Slope Planting (03-21-00)**

No tree or shrub growing on a slope shall be allowed to grow higher than three (3) feet above the top of the slope or bank unless such height does not unreasonably interfere with views from any other lot. No planting shall be permitted to remain on any slope which might damage or interfere with established slope ratios, create erosion or sliding problems or interfere with established drainage functions of facilities.

**4114 Overhanging Plantings (03-21-00)**

No tree, shrub, or planting of any kind shall be allowed to overhang or otherwise encroach upon any sidewalk or other pedestrian way, from ground level to a height of ten (10) feet, without the prior approval of the Architectural Control Committee (*CC&R9-19*).

**4115 Diseased Plantings and Trees (12-17-03)**

No plants or seeds infected with noxious insects or plant diseases shall be brought upon, grown, or maintained upon any part of Niguel Shores. In the event of the default in the performance of this provision, and if such default shall not have been cured within five (5) days after written notice, the NSCA shall have the right to enter upon any lot within Niguel Shores and, at the expense of the owner of said lot, remove infected or diseased plants and trees, and/or spray the same and/or take such measures as may be necessary in the opinion of the NSCA to protect the same and/or the community from the spread of such infection (*CC&R9-13*).

**4121 Planting Maintenance (12-17-03)**

All landscaping of every kind and character, including shrubs, trees, grass and other plantings shall be neatly trimmed, properly cultivated and maintained continuously by the owner thereof according to NSCA community standards, in a neat and orderly condition.

**4122 Trimming Precautions (07-01-85)**

Homeowners having their trees or shrubs trimmed should bear in mind that trees or shrubs should be trimmed sufficiently below the stated maximum height so that normal growth will not require retrimming more frequently than once every six (6) months.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**4151 Easements (03-21-00)**

Many homeowners have a narrow strip along the side of their lot next to a neighbor's wall or fence which is designated as an easement. This strip may actually belong to either the homeowner or his/her neighbor, but in any case, its use is restricted. The neighbor has the right to enter upon the easement to maintain his/her property. The homeowner has the right to use the easement for landscape purposes but may not change the direction or flow of any drainage system that was established by the developer or by the NSCA (CC&R5-2).

**4152 Easement Plantings (04-18-07)**

Any plantings in an easement area must be submitted to and approved by the Architectural Committee. Trees and other plants must be planted far enough away from adjacent property to not cause damage to roofing, plumbing, drainage, foundations, and other elements of a neighboring property. Damaging trees and other plants must be trimmed or removed from the easement area.

**NSCA RULES**

**LANDSCAPE COMMITTEE**

**4200**

**4201 General Landscape Plan (07-01-85)**

Each area of the community will be viewed as a unit and landscaped in accordance with specific plans developed by the Landscape Committee and landscape contractor. Each area will also be viewed as a component of the total community in order that a total environment of continuity will be maintained.

**4202 Common Area Plantings (03-21-00)**

Trees and other plantings in common areas are to be spaced and kept trimmed to avoid hedge effects, and to provide a reasonable view. Trees and shrubs will be removed by the NSCA if: (a) trimming is required more than once per year; (b) plantings are causing damage to streets, walkways, walls, or other structures; or (c) plantings constitute a hazard.

**4203 New and Replacement Plantings (07-01-85)**

New and replacement plantings in common areas will be in varieties which are drought resistant and which will require low maintenance.

**4211 Planting in Common Areas by Members (12-17-03)**

Members must not add, remove or change plantings in any of the eased maintenance area or common areas, front yards or slopes maintained by the NSCA's landscape contractor without the approval of the Landscape Committee. Application for approval forms are available in the NSCA office.

**4212 Special Plantings (07-01-85)**

The NSCA may plant and maintain plantings on NSCA maintained property at the request of one or more members if:

- 1) The requestors pay for the purchase and planting of the materials.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 2) The materials will, when grown, be aesthetically pleasing and appropriately functional as determined by the Landscape Committee based upon information provided by the landscape contractor.
- 3) The materials will pose no special maintenance problems, e.g. water, pests, pruning, litter as determined by the landscape contractor.
- 4) The materials, when fully grown and with minor pruning, will not unreasonably interfere with the view of any homeowner as determined by the Tree View Blockage Committee based upon information provided by the landscape contractor.

**4271 Landscape Committee Mission Statement (02-06-02)**

While each member of the committee represents and has the responsibility for his/her area, as defined in the *Rules and Regulations*, the committee as a whole shall work toward a coordinated, consistent, and colorful community landscape.

By implementing a long-term plan, the committee shall replace problem plant material and high maintenance plant material with shrubs, trees, and flowers that are non-invasive, that do not unreasonably impede views, and that minimize maintenance costs.

**4272 Landscape Committee Organization (5-16-06)**

There shall be nine (9) members of the committee, one (1) member to reside in each of the following tract groups and one (1) member at large to serve as liaison to the landscape contractor.

1. Berkus (Tract 7447)
2. Broadmoor (Tract 6935)
3. Atlantic Garden (Tracts 6782, 8038)
4. Custom (Tracts 6988, 7156)
5. Sea Terrace I (Tracts 6881, 6884, 7515)
6. Sea Terrace II (Tract 8602)
7. Shores Garden (Tracts 6883, 7203, 7573)
8. Villas (Tract 9098)
9. Member at large

The Chairperson shall conduct the meetings, attend and give the landscape report at the Open Board Meeting, write the *Seashore News* article and fulfill his/her area responsibilities.

The Oversight Committee shall: consist of two (2) area representatives, the chairperson, the landscape contractor liaison and a representative of the landscape contractor. When deemed necessary, the oversight committee will meet after a regular meeting of the committee or whenever a member of the committee or area representative calls for a meeting. It is responsible for any changes in landscape policy. The oversight committee is also responsible for Association trees. The Board will make all decisions regarding tree removals.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

New members shall be nominated by the committee and appointed by the NSCA Board of Directors. Three (3) members in addition to the chairperson shall constitute a quorum. The general manager, landscape contractor, and the liaison Board member shall be ex-officio non-voting members of the committee. Representatives are subject to removal by the Board if they have more than three (3) unexcused absences in a year.

**4273 Committee Operations (07-01-85)**

Each committee member is assigned to a segment of the community, which he/she monitors, communicates with the homeowners and reports needed improvements to the general manager and the liaison Board representative. The committee observes the performance of the landscape contractor and participates in the development of other contracted work.

Committee members receive assignments from the general manager to investigate homeowner requests, complaints and suggestions, and report their findings and recommendations to the committee.

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**NSCA RULES** **TREE VIEW BLOCKAGE** **4300**

**4301 Tree View Blockage Committee (03-21-00)**

The Architectural Control Committee consists of two divisions, one of which is the Tree View Blockage Committee, which has authority to require any homeowner to remove, trim, top or prune any tree, shrub or hedge on his/her property which it believes unreasonably impedes the view from any lot.

**4302 Tree View Blockage Complaints (03-21-00)**

The Tree View Blockage Committee shall respond to and evaluate all homeowner requests regarding blockage of views caused by any growing plants or trees. Any view blockage complaint that involves common area plants shall be coordinated with the Landscape Committee and, where appropriate, the Board of Directors.

**4305 Tree View Blockage vs. Privacy (03-21-00)**

If it becomes necessary to choose between view preservation and the preservation of privacy, the choice will be to preserve the view.

**4310 General (01-03-90)**

Refer to **Rules 4111 General Policy, 4112 Pad Level Plantings, 4113 Slope Plants and 4122 Trimming Precaution.**

**4315 Tree View Protection (01-03-90)**

Views subject to review by the Tree View Blockage Committee include, but are not limited to, views from second stories of residences.



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**4320 Views Resulting from Home Improvements (01-03-90)**

Views resulting from improvements made to a member's lot and to the residence, or other improvements on the lot as originally constructed, are not necessarily to receive the same degree of protection as views from lots, residences and other improvements on lots as originally constructed. All view blockage complaints will be considered on a case-by-case basis. That the view in question results from the addition of any improvement to the lot, residence or other improvements on the lot as originally constructed, is only one of the ACC factors to be considered by the Tree View Blockage Committee in its evaluation.

**4371 Tree View Blockage Committee (09-15-93)**

The Architectural Control Committee is charged, under the CC&R's, with the responsibility of protecting members from unreasonable view blockages caused by trees or shrubs on private property. The Architectural Control Committee has delegated this authority to its subcommittee, the Tree View Blockage Committee. This committee is responsible for investigating members' complaints about view blockages caused by trees or shrubs on private property or on common areas and recommending to the Board appropriate remedial action. In addition, when a property is in escrow, the Tree View Blockage Committee will inspect it for compliance with the rules and will make a recommendation if necessary.

**ACTIVITIES**

**NSCA RULES**

**COMMUNITY CENTER / BEACH BLUFF**

**5100**

**5101 Use of the Community Center (10-04-89)**

The Niguel Shores Community Center property, facilities and equipment are restricted to use by members of the Niguel Shores Community Association, their families and guests.

The rules for use of the facilities are structured to provide maximum recreational benefits to the greatest number of persons, and have been established by the NSCA Board of Directors to preserve and protect the mutual rights of the members. Violation of these rules and regulations may result in suspension of the right to use the facilities.

The right to use the Community Center facilities may also be suspended by reason of the physical or mental impairment presents an unreasonable risk of injury to, or threat to the safety of such person or other members and their family members, guests and delegates who are entitled to the use and enjoyment of the Community Center facilities. The duration and any conditions of suspension of the right to use the facilities shall be determined by the Board of Directors in accordance with the notice and hearing procedures outlined in NSCA Rule 2753, except that such right may be immediately and temporarily revoked by the Board of Directors, pending the hearing provided for in Rule 2753 for a period not to exceed thirty (30) days

**5102 Rules for Use of the Association Facilities (12-17-03)**

Association facilities are defined as the Community Center Facilities and Recreation Grounds, the Beach Bluff and all Common Areas.

- 1) Community Center hours are 6:45 am - 9:00 pm, daily. Hours for the Beach Bluff are 6:00 am to 10 pm daily.
- 2) All persons using the Community Center facilities are required to sign in when entering.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 3) Guests using any of the Association facilities must be accompanied by a member, or be registered at the office by the member. A member is responsible for the conduct of his/her guests and their observance of the rules.
- 4) Access to the Community Center and Beach Bluff is restricted to authorized hours. Any member or guest who enters during unauthorized hours is subject to illegal entry and trespassing laws, and may be prosecuted. Violations of this rule may be cause for suspension of member privileges.
- 5) The NSCA staff has the authority to enforce all rules and regulations. Members are requested to report infractions of the rules to the NSCA staff.
- 6) No pets or other animals are permitted within the Community Center gates (in particular, the swimming pool area).
- 7) Glass containers or objects are not permitted in the outdoor Community Center area. Food is not permitted in the swimming pool area.
- 8) Smoking is prohibited in and around all Community Center buildings and grounds and in other designated "No Smoking" areas.
- 9) Rough or boisterous conduct, profanity, gambling or other than moderate use of alcohol is prohibited.
- 10) The maintenance area, all storage areas, pool filtration rooms and staff office space are off-limits to members and their guests.
- 11) Misuse or vandalism of any Association facilities may be cause for suspension of privileges and referral to local authorities for prosecution. Property owners may be subject to a fine.
- 12) Skateboarding, roller/inline skating and roller hockey are not permitted within the Community Center gates or parking lot. Surfboards and bicycles are not permitted within the Community Center gates. Bicycles must be left in the bike racks outside the gates.
- 13) Loitering is prohibited in or about any Association facility.
- 14) Individuals using the Association facilities may be required to furnish proof of membership or authorized guest status.

**5103 Swimming Pool and Spa Rules (12-17-03)**

- 1) Pool and spa hours: 6:45 am - 8:45 pm, daily.
- 2) All individuals using the facilities must comply with the rules and regulations and requests made by the NSCA staff. Swim diaper and/or rubber covers are required for anyone not toilet trained or who is incontinent.
- 3) Showers are required before entering the pool or spa.
- 4) Hair that touches shoulders when wet must be contained by rubber bands or bathing caps when entering pool or spa.
- 5) Food, alcoholic beverages, and chewing gum are not allowed in pool or spa areas. No glass containers of any kind are permitted in pool/spa areas. Permitted beverages may be brought in metal, paper, or plastic containers only.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 6) Floating apparatus, toys, stones or objects not part of the regular programmed pool equipment is not allowed in the pool and spa areas. This includes, as examples, noodles, body boards, rafts, etc. Users of the pool are allowed to use: swim fins, swim goggles, facemask, kick board, diving sticks or diving rings. If conditions are crowded, the lifeguard or office staff has the right to ask pool users not to use these items.
- 7) Swimsuits are required while using the pool and spa. No cut-offs of street clothing are permitted in the pool or spa.
- 8) Persons with colds, coughs, red or infected eyes, skin eruptions, open wounds or sores, or bandages, are not permitted in the pool/spa area.
- 9) Non-swimmers or weak swimmers must remain in the shallow water no deeper than chest level. The lifeguard may request any user to take a safety test and may restrict use of the pool.
- 10) Running, wrestling, or horseplay is not permitted in the pool/spa decks, ladders or in locker rooms. No climbing on or diving from fences or other structures (e.g. lifeguard stand) in pool area is permitted. No ball playing is permitted on pool deck areas.
- 11) Spitting, spouting of water or beverages, and nose blowing in the pool, are prohibited.
- 12) Emergency or exit signals from lifeguards or the NSCA staff must be observed by individuals using the facilities. Swimmers must leave the pool area immediately at the request or signal of the lifeguard or the NSCA staff.
- 13) The lifeguard or NSCA staff may expel persons from the pool and spa areas who appear to be under the influence of alcohol or narcotics.
- 14) Persons under fourteen (14) years of age must be accompanied by an adult when using the pool when a lifeguard is not on duty.
- 15) Persons under fourteen (14) years of age must be under direct adult supervision at all times while in the pool and spa.
- 16) It is recommended that all persons using the spa not exceed fifteen minutes per visit.
- 17) Animals, whether leashed or not, are not allowed in the pool/spa areas.

**5105 Sauna Rules (12-17-03)**

- 1) All persons should be eighteen (18) years or older to use the sauna.
- 2) Individuals with the following medical history should not use in the sauna:
  - Heart patients or stroke victims
  - Persons with history of cardiovascular ailments
  - Epileptics
  - Diabetics
  - Persons with recent head injuries
  - Persons under the influence of alcohol or narcotics
  - Persons who are feverish or suffering from a contagious illness

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

3) Using sauna:

- a) Sauna baths should be taken in three (3) stages, with each bath lasting no longer than ten (10) minutes.
- b) After each ten-minute bath, a cold shower should be taken.
- c) Towels may be placed over the hot redwood benches.
- d) If overheating occurs, leave the sauna immediately. Indications of overheating are shortness of breath, rapid heavy pulse, dryness of the mouth and dizziness.
- e) If using the sauna alone, please alert the NSCA staff.

**5106 Locker and Dressing Areas (04-01-85)**

- 1) Personal property stored in the locker room is done so at the owner's risk. Management and NSCA staff assume no responsibility for damage or theft of personal property.
- 2) No roughhousing or horseplay is allowed in the locker rooms.
- 3) Locker room showers are not to be used to wash sand off bathers or swim paraphernalia.

**5107 Use of Tennis Courts (12-17-03)**

The tennis courts are a community asset. It is expected that they will be used with reasonable care and with consideration for others who use them.

- 1) Court reservations may be made at the NSCA office, in person or by phone, no sooner than 7:00 pm, two (2) days before the playing date. Example: A reservation for Wednesday can be made any time after 7:00 pm on Monday.
- 2) Reservations are made on a first come, first served basis. Courts are open from 8:00 am till dark, daily.
- 3) Reservations are made for one (1) hour, on the hour. Two (2) players in a doubles group may jointly sign up for two (2) hours. One player may sign up for either a double or single time on weekends and holidays.
- 4) Doubles play is recommended whenever possible and is the preferred form of play on weekends.
- 5) Courts must be relinquished when reserved time is up and someone is waiting for the court.
- 6) The court that is designated as the racking court is not available for reservations.
- 7) The following holidays are scheduled and reserved in the same manner as weekends: New Year's Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the day after. The Community Center is closed on Christmas Day.
- 8) Only current residents may make court reservations and they can make only one (1) reservation on any single day.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 9) If a court is not occupied within ten (10) minutes after reserved time, it is automatically opened until the next scheduled time on a first-come, first-served basis for any waiting players.
- 10) Players who fail to appear after reserving a court and/or who don't call or come to the office to cancel the reservation may lose the privilege of making reservations for up to one (1) month.
- 11) Players who have made reservations are required to sign in on the tennis reservation sheet noting the time and initialing in the space provided. Failure to sign in may result in forfeiting the court.
- 12) All players are expected to conform to tennis etiquette at all times and to observe the posted tennis rules.
- 13) Players are expected to wear appropriate tennis clothing. Tennis shoes or the equivalent are required. Shoes with soles that leave black marks on the court surfaces are not permitted.
- 14) Food and most beverages are not permitted on the tennis courts. Bottled water is permitted.
- 15) The tennis courts are to be used for tennis only. Other games, skates, in-line skates or skateboards are not permitted.
- 16) The Tennis Sub-committee of the Recreation Committee is responsible for communicating with the general manager regarding tennis court conditions, problems and tennis activities. Tournaments, exhibitions and other NSCA approved tennis activities are scheduled through the general manager.
- 17) Tennis clinics, group instruction, and organized play must be approved in advance by the general manager. These activities must be open to all residents. The designated tennis professional may be allocated court times for resident instructions on weekdays. Individual residents may use their reserved time for individual playing lessons. Current organized approved hours are:
  - a) Men's Day tennis hours: Wednesday afternoons — 2:00 pm to 4:00 pm in winter, and 3:00 pm to 5:00 pm in summer
  - b) Ladies Day tennis hours: Thursday mornings — 8:00 am to 10:00 am
- 18) Players will be held responsible for any damage they cause to the courts.

**5108 Use of Multi-Purpose Room (MPR) (04-18-07)**

- 1) The Community Center multi-purpose room (MPR) room may be reserved for use by property owners or registered tenants only, subject to availability. Recognized groups and committees of the NSCA have first priority in using the room. The property owner/registered tenant who use the MPR must be at the event at all times.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 2) The MPR may be used only for social purposes. Guests must be friends or acquaintances of the property owner/registered tenant or other members in the household. Use of the MPR for business functions is not permitted, nor for meetings for non-NSCA organized groups. Property owner/registered tenant may not use facility on behalf of another entity for any reason. Use of the facility is subject to approval by the Board of Directors. The maximum number of guests shall be 100. Guests shall confine themselves to the use of the MPR and the restrooms. The pool, tennis courts, spa, sauna, maintenance and Ping-Pong areas shall not be used.
- 3) The MPR may be used any day of the week that the Community Center is open. Hours may be more limited than those listed below, particularly for some holiday periods. Check with the NSCA staff for availability. The posted hours the facility is available are as follows:
  - Monday through Thursday – 9:00 am to 9:00 pm (posted hours)
  - Friday and Saturday – 9:00 am until midnight. (see 4 (b), below) and
  - Sunday 12:00 noon – 9:00 pm
- 4) Private use of MPR by owners or registered tenants is subject to proof of liability insurance and payment of required fees as follows:
  - a) A \$200 rental fee, insurance coverage and completed application must be turned in to the NSCA office at least ten (10) days in advance of the date of use.
  - b) A \$250 deposit, plus a \$15 per hour, or any fraction thereof, fee for use after 9:00 pm, is due no less than five (5) days prior to the event. Payments must be made by check or money order. The NSCA office staff will confirm the request for reservations within two (2) business days. Confirmation will be by phone.
  - c) The deposit may be forfeited, in whole or in part, for any damages, additional clean-up and /or rule violations which may occur. If damage repair costs exceed the deposit, the property owner/registered tenant will be responsible and agrees to reimburse the NSCA without question.
  - d) The remaining deposit will be refunded within twenty-one (21) days after the date of use.
  - e) The property owner/registered tenant shall provide written proof of homeowner's / renter's personal liability insurance with a minimum of \$100,000 coverage at least five (5) days prior to the event. Failure to adhere to this time frame will cause immediate cancellation of use.
  - f) The property owner/registered tenant agrees to indemnify, hold harmless, and defend the NSCA, its directors, officers, employees and members from any and all claims, damage and /or bodily injury which may result directly or indirectly from this use of the MPR.
  - g) No admission fees shall be charged to any of the attendees by or on behalf of the property owner/ registered tenant.
- 5) The property owner/registered tenant shall provide an alphabetized guest list to the NSCA office at least forty-eight (48) hours prior to the event. Parking may be in the parking lot or along Niguel Shores Drive. All NSCA parking rules will remain in effect and shall be enforced. Refer to the NSCA's Traffic & Safety Rules, **6000 Series**.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 6) The property owner/registered tenant is responsible for ensuring that guests know the rules of the community and abide by them.
  - a) Alcoholic beverages shall not be served to those under twenty-one (21) years of age.
  - b) Smoking is prohibited within and around the MPR and all other Community Center buildings.
- 7) The table set-up and equipment use must be prearranged with the office at least five (5) days prior to the event. NSCA staff members on duty at time of event will not have access, or the authority, to provide additional provisions/equipment.
  - a) The use of the MPR does not include use of NSCA owned equipment such as the sound system, large screen television, VCR, etc.
  - b) The kitchen area is available for limited use. The property owner/registered tenant is limited to using the electric stove, refrigerator (do not use or remove any items already in the refrigerator) and large capacity coffee pot.
  - c) The wooden dance floor also may be used provided management has received a request for it with the application for use of the MPR.
- 8) No decorations shall be placed outside the MPR, except in the courtyard. The property owner/registered tenant is responsible for removing all decorations at the conclusion of the event.
- 9) The property owner/registered tenant shall inform the office staff upon his/her arrival. The homeowner/registered tenant shall be available at the end of the event for post-inspection walk-through with office staff and shall sign the post-inspection report. This step must be completed by the ending time listed on the application for use.
- 10) The property owner/registered tenant is responsible for all clean-up after the event, except table and chair removal. All trash is to be bagged and tied securely. It is to be left in the kitchen for removal by the maintenance staff. The entire facility is to be left as clean as it was found upon arrival. The homeowner/registered tenant is responsible to bring his/her own cleaning supplies and at his/her expense. Any additional clean-up required will be performed by the maintenance staff and the cost will be deducted from the deposit.

**5109 Use of Beach Bluff Facilities by Groups (04-18-07)**

NSCA owners and residents can reserve the Beach Bluff facilities (see separate rules for reservation of the multi-purpose room **Rule 5108**) for a group function. A group is defined as twenty (20) people or more. NSCA established committees and activities have first priority in reserving the facilities. Other residents and their guests will not be excluded from using the facilities at the same time. The MPR and kitchen is off limits at the Community Center and guests shall confine themselves to the open area, pool area, rest rooms and locker rooms. The owner/tenant will be required to provide proof of liability insurance in the amount of \$100,000, or more.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 1) The owner/tenant will be required to fill out an application. The application and a copy of the current rules that must be followed are available in the NSCA office. The completed application form must be received by the office at least five (5) days in advance of the requested use date. The NSCA office staff will confirm your request for reservations within two (2) business days. Confirmation will be made by telephone. A refundable \$250 deposit and proof of liability insurance are due at the time the application is submitted and must be paid in the form of a check or money order.
- 2) The owner/tenant must be continually present at the function, shall be responsible for the conduct of the attendees, and agrees to follow all of the rules of use.
- 3) Owners/tenants who sponsor group functions and use the Beach Bluff facilities without permission may be asked to leave by the NSCA staff, contractor's patrol service or a member of the Board of Directors.

Further, the Board of Directors may decide to hold a hearing to decide if a fine will be levied.

**NSCA RULES** **COMMUNICATION COMMITTEE** **5200**

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**5201 Purpose of the Communication Committee (06-18-97)**

- 1) The primary purpose of the Communication Committee is to edit and circulate a monthly newsletter, the *Seashore News*, as a means of keeping residents well informed of community activities, both recreational and administrative, and to encourage active participation in such activities.
- 2) The secondary purpose is to increase communication to the membership by producing *Your Information Guide* and flyers or by utilizing other approved media vehicles when available.

**5202 Duties of the Committee (06-18-97)**

The committee meets once a month, after the monthly deadline for submission of articles (**Rule 5223**) to discuss committee business and to approve/disapprove submissions to the *Seashore News*.

**5203 Organization of the Committee (06-18-97)**

The committee is composed of members of the NSCA, and a Board member assigned as liaison. The number of members is determined by the chairperson but shall be no less than three (3). A quorum consists of a majority of the members of the committee.

**5204 Qualifications for Membership (06-30-92)**

To qualify for membership, a person must be a member of the NSCA and should have some experience in the field of journalism, teaching, English literature or graphic arts; should be familiar with the basic rules of grammar and punctuation and should be a good speller. An aptitude for writing would also be useful.



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**5205 Appointment to the Communication Committee (06-18-97)**

Based on Board policy, the committee chairperson is appointed by the Board of Directors. Other members of the committee are nominated from volunteers or chosen by invitation. The committee must approve such nomination (or removal) by majority vote. Each such action regarding committee membership must be confirmed by vote of the Board of Directors.

**5221 Policy (06-18-97)**

The *Seashore News* shall not be used as an instrument for promoting the point of view of individuals or organizations expressing a preference regarding political, religious, ethnic, or racial issues.

**5222 News Articles, Announcements and Reports (06-18-97)**

- 1) News articles, announcements and reports are limited to those of the NSCA Board, NSCA club announcements and reports, news of community activities, manager reports, and items of interest about the Dana Point Library. Articles may be submitted only by residents or owners, on forms supplied by the office, and are limited to 250 words. At the discretion of the chairman, exceptions to the word limit may be made for articles containing important information.
- 2) Submissions must include the writer's name and telephone number. Typewritten material is preferred, but an item that is handwritten is acceptable if it is neat and legible. The committee members read each item to assure that the subject is acceptable, the language is clear and grammatically correct and that it does not exceed the word limitation. An attempt will be made to discuss a questionable article with the writer before disapproval. See Rule 5221.

**5223 Deadline for Submissions (06-18-97)**

It is intended that the *Seashore News* be distributed on or before the first of each month. Therefore the submission deadline is the 17<sup>th</sup> of the preceding month, with the exception of submissions for December and January when the deadline is the 15<sup>th</sup> of the preceding month. Late submissions will be accepted only if the chairman determines that the article is important and that it will not delay publication.

**5224 Voice of the People (06-18-97)**

Submission of letters to *Voice of the People* is restricted to residents and owners of Niguel Shores property on subjects of general interest to the community. Writers may submit letters for consideration for publication with the understanding that opinions contained in letters that are published are those of the writers, not necessarily of the committee. Letters which, in the opinion of the committee or Board of Directors, may invade the privacy of other individuals, subject the NSCA to potential liability, or otherwise be in bad taste, will not be published. The writer's address and phone number must accompany his/her letter. Only the name of the author will be published with the letter. Letters are limited to 200 words. See Rule 5221.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**5225 Neighborhood Ads (06-18-97)**

Only residents or owners of Niguel Shores property may submit ads. No one may act as agent for a person or a company. Items for *Neighborhood Ads* must fit the following categories:

- 1) Announcements in accordance with **Rule 5221**
- 2) Personal property held for personal use (not commercial products)
- 3) Real property, including rental of same

The length of an ad is limited to thirty (30) words including phone number. A charge is made, payable by check only to NSCA. See office staff for current advertising rate. All ads must be submitted on or with a signed form supplied by the office. All ads are read and approved or disapproved by the committee.

**5226 Commercial Ads (09-03-03)**

Commercial advertisement space is to be offered in the *Seashore News* in accordance with the following guidelines:

- 1) The categories to be allowed are professional, personal and household services and products
- 2) The price of the ads are recommended by the Communication Committee and approved by the Board
- 3) The categories and numbers of ads are recommended by the Communication Committee and approved by the Board in accordance with current accepted policies.

The ads will conform to the current accepted layout and style of the NSCA newsletter.

**5227 Production (12-17-03)**

Submissions intended for publication are edited and proofread by the committee and a finished copy is then prepared by the NSCA staff. Copies of the *Seashore News* are printed commercially.

**5228 Distribution (06-18-97)**

The Niguel Shores area is divided into nine districts and the *Seashore News* is delivered to a coordinator in each district. Each coordinator maintains a team of block chairmen to deliver the *Seashore News* to each house, out of sight from the street, if possible. Postal laws prevent placing the *Seashore News* in mailboxes. Copies are mailed to homeowners living outside Niguel Shores; the remaining issues are kept in the office for approximately one (1) month. No other material shall be distributed with the *Seashore News* except with the approval of the Board.

**5229 Seashore News Files (06-18-97)**

The staff maintains a file of the original articles submitted by contributors for three (3) months. One (1) copy of each issue of the *Seashore News* shall be kept in a permanent file in the Niguel Shores office.

**5230 NSCA Web Site (12-17-03)**

The Communication Committee has the task to define the content of, and maintenance of, the Niguel Shores Association Web site at [www.niguelshores.org](http://www.niguelshores.org). A subcommittee consisting of the chairperson of the Communication Committee, the NSCA general manager, the Board liaison to the Communication Committee, the Webmaster and a volunteer advisor has been appointed by the Board to control and supervise the Web site.



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

Resident Students of RH Dana Elementary School may also apply for:

Regardless of age, one (1) device per household for a fee of \$15 – which must be renewed, at no charge, on a school calendar basis – valid September through June based on current school year calendar, activated at the Selva Gate only. Proof must be provided that resident is a student at RH Dana Elementary School.

Only checks or money orders will be accepted as payment.

Each household will be allowed to exchange up to two (2) devices total per year at no charge, due to malfunction. When two (2) devices total have been exchanged at no charge within one year, devices must then be replaced at a charge of \$15 each.

Lost or stolen devices may be replaced by application at the NSCA Office for a replacement fee of \$30 for each device lost or stolen, payable by check or money order only. Lost or stolen devices will be deactivated and will not be usable.

**6110 Access/Egress to Niguel Shores Community and Facilities (11-4-98)**

The Niguel Shores community is surrounded by, and contains within its boundaries, gates, fences, and walls that are owned, operated, and maintained by the NSCA. Entry and egress to and from the community and all recreational and other facilities within the community is restricted to designated pedestrian and vehicle access and egress areas and gates at various locations throughout the community which are intended to provide the sole access to and egress for members and their families, tenants, authorized contractors and vendors, and guests. Such fences, walls, access/egress areas, and gates include, but are not limited to, those located at and within the Community Center, greenbelt areas, and the Beach Bluff parking lot and recreation area which are located within or at the perimeter boundaries of the community. No persons except NSCA staff personnel and authorized contractors and vendors who are performing repair and/or maintenance functions are permitted to climb upon, scale, alter, deface, damage, or otherwise misuse any gate, fence, or wall, or block open or tamper with any gate or other entry or exit device owned, maintained, or operated by the NSCA.

**6112 Access Control Signage (08-15-01)**

Pursuant to *California Vehicle Code 21465*, no person shall place, maintain, or display upon any private property or in view of any street within Niguel Shores, any sign, device, or marking which is or purports to be an imitation of or resembles an official traffic control device, or which attempts to direct or control the movement of traffic, or which hides from view any official traffic control device.

At no time is any such signage allowed on any common areas of Niguel Shores by individuals other than those authorized by the NSCA. An example of a sign that is not allowed to be posted is a "Children at Play" sign.

**NSCA RULES**

**SKATEBOARDS & SCOOTERS**

**6200**

**6211 Skateboards (02-20-02)**

No person shall ride or cause to roll or coast any skateboard, roller/inline skate, razor scooter or other conveyance powered by human power, except a bicycle, on the roadway portion of any road within Niguel Shores, within the Community Center, the community center parking lot or the beach parking lot.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**6212 Skateboard Ramps (07-01-98)**

A skateboard ramp is not permitted to be placed or used at any time on sidewalks, streets, the Community Center, the community center parking lot or the beach parking lot or any other common area. Skateboard ramps must be removed from the front yard and stored away from the view of neighboring properties and streets each day by sunset, or when not in use.

**6213 Motorized Skateboard and Scooters (12-17-03)**

No motorized skateboard or scooter may be propelled on any sidewalk, roadway, or any other common area within Niguel Shores.

**NSCA RULES**

**VEHICLES**

**6300**

**6301 Purpose of Rules for Vehicular Access (12-16-86)**

The Board of Directors of the NSCA has adopted these *Vehicle Rules* to provide for the authorized entry, use, operation and parking of motor vehicles within Niguel Shores. The purpose of these *Vehicle Rules* is to provide for the orderly entry, use, operation and control of vehicles within Niguel Shores in accordance with the Board's power to adopt and publish *Rules and Regulations* governing the use of the common areas and facilities and the personal conduct of the members and their guests and delegates.

It is the further purpose of these *Vehicle Rules* to define, clarify and provide for the orderly and reasonable application and enforcement of *Article IX, Section 8* of NSCA *CC&R's* recorded December 3, 1969 which states in pertinent part:

“No mobile home, boat, truck or trailer of any kind shall be kept, stored, parked, maintained, constructed or repaired on any property or street within Niguel Shores in such manner as to be visible from any neighboring property.”

**6302 Organization of Rules (12-16-86)**

These vehicle rules consist of four (4) parts which include (a) **6300 Series**: Introduction-Vehicles, (b) **6400 Series**: Parking and Operation of Vehicles, (c) **6500 Series**: Vehicle Registration and (d) **6600 Series**: Vehicle Entry Permits.

**6303 California State Vehicle Code Adopted as a Rule (12-16-86)**

Pursuant to Resolution No. 76-173 adopted by the Orange County Board of Supervisors on February 4, 1976, the provisions of the California State Vehicle Code ("Vehicle Code" or "CVC") for regulating the use and operation of motor vehicles on the roadways, streets and common areas in Niguel Shores shall apply and be enforced by the Orange Country Sheriff's Department and by the NSCA as part of these rules.

**6304 Vehicle Rules - General (12-16-86)**

- 1) The Board of Directors reserves the right to adopt, implement and enforce other additional rules as may from time to time be required to facilitate the management of Niguel Shores, the use and operation of vehicles, and the enjoyment of the property within Niguel Shores.
- 2) All owners and their guests and delegates, and all operators of vehicles maintained or parked upon or using property within Niguel Shores shall be subject to and obligated to comply with all *Vehicle Rules*.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**6305 Definitions (12-17-03)**

The following definitions are applicable to the interpretation of the *Vehicle Rules*:

- 1) Camper, as defined in *California Vehicle Code, Section 243*: A structure designed to be mounted upon a motor vehicle and to provide facilities for human habitation or camping purposes.
- 2) Common area(s) is defined as: All property owned or eased by the NSCA as more particularly described in *Article I, Section 3, of the Declaration of Establishment of CC&R's* dated December 1, 1969 and recorded December 3, 1969, and including, without limitation, the streets and roads within Niguel Shores and the beach parking lot and slopes owned by the NSCA pursuant to *Declaration*.
- 3) Electric cart is defined as: A motor vehicle having not less than four (4) wheels in contact with the ground, having an unloaded weight less than 1,300 pounds, which is designated to be and is operated at not more than 15 miles per hour and designed to carry not more than six (6) persons, including the driver. Within limits, electric carts are allowed within Niguel Shores.
- 4) Height dimension is defined as: The distance measured from the ground vertically to the highest point of the vehicle (including roof-mounted appurtenances).
- 5) Mobile home, as defined in *California Health and Safety Code, Section 18008*: For the purposes of this part, a structure transportable in one (1) or more sections designed and equipped to be used with or without a foundation system. Mobile home does not include a recreational vehicle, commercial coach, or factory-built housing as defined in *Section 19971*.
- 6) Motor truck, as defined in *California Vehicle Code, Section 410*: A motor truck is a motor vehicle designed, used, or maintained primarily for the transportation of property.
- 7) Motor vehicle, as defined in *California Vehicle Code, Section 415*: A vehicle which is self-propelled. Motor vehicle does not include a self-propelled wheel chair, invalid tricycle, or motorized quadri-cycle when operated by a person who by reason of a physical disability is otherwise unable to move about as a pedestrian.
- 8) Motorcycle, as defined by *California Vehicle Code, Section 400*: Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground and weighing less than 1,500 pounds, except that four (4) wheels may be in contact with the ground when two (2) of the wheels are a functional part of a sidecar. A motorcycle includes vehicles commonly known as motor scooters and bicycles with motors attached unless they qualify as motorized bicycles, below.
- 9) Motorized bicycle, as defined in *California Vehicle Code Section 406*, is: Any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor which produces less than two (2) gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground. This includes vehicles commonly known as mopeds.
- 10) Park, parked, or parking, as defined in *California Vehicle Code, Section 463*: The standing of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 11) Passenger vehicle, as defined by *California Vehicle Code, Section 465*: Any motor vehicle, other than a motor truck or truck tractor, designed for carrying no more than ten (10) persons including the driver, and used or maintained for the transportation of persons.
- 12) Property is defined as: The common area(s) and residential lot(s) within Niguel Shores.
- 13) Recreational vehicle, as defined in *Health and Safety Code, Section 18008*: A motor home, slide-in camper, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy.
- 14) Residential lot(s) is defined as: The land and structures thereon owned and/or occupied by the residents of Niguel Shores.
- 15) Stored or storing is defined as: The parking of a vehicle in the same location for a period in excess of seventy-two (72) consecutive hours.
- 16) Trailer is defined as: A vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle. As used in these rules, the term trailer includes a trailer, trailer coach, utility trailer, camping trailer, travel trailer and park trailer as those terms are defined in *Sections 242, 630, 635, 666* of the *California Vehicle Code* and *Section 18010* of the *California Health and Safety Code*, and boat trailers and any other vehicle legally defined or commonly known as a trailer. With limited exceptions, trailers are not allowed in Niguel Shores.
- 17) Vehicle, as defined in *California Vehicle Code, Section 670*: A device by which any person or property may be propelled, moved, or drawn upon a highway, except in a device moved exclusively by human power or used exclusively upon stationary rails or tracks.
- 18) Wheelbase dimension is defined as: The distance measured from the center of the front wheel to the center of the rear wheel.
- 19) Motorized Scooters, *California Vehicle Code Section 407.5*: Any two-wheeled device to be stood or sat upon by the operator and is powered by an electric motor, or a source other than electric power, that is capable of propelling the device with or without propulsion.

**NSCA RULES**

**PARKING AND OPERATION OF VEHICLES**

**6400**

**6401 Visible Permit Required (4-21-99)**

Every vehicle (except federal, state, county, city, public utility, and bonded public delivery vehicles) within the community of Niguel Shores, must display a valid decal, permit, or pass issued in accordance with **Series 6500** of these rules, easily readable from outside of the vehicle, except visitors entering through the Manta and Garibaldi gates to the Villas and Sea Terrace II areas of the community where the resident will provide visitors with special permits, (**Rule 6603**) to be displayed. Failure to display a valid decal, permit, or pass on any vehicle operating or parked on common area property within the Niguel Shores community is, itself, a violation of these rules, notwithstanding the absence of any other violation, and such vehicle is subject to immediate removal (tow) from the community at the vehicle owner's expense. The entry and parking of vehicles within Niguel Shores is subject to the conditions of issuance of such decal, permit, or pass and these rules.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**6402 Double Parking (12-16-86)**

No vehicle shall be parked, stopped or left standing, whether attended or unattended, except in an emergency, on the roadway side of any vehicle stopped, parked or standing at the curb or edge of street or other common area.

**6404 Prohibited Parking (02-07-01)**

- 1) No parking in the common areas is permitted in any green, red or yellow zone, on a sidewalk, or in a manner that would obstruct a driveway or create a safety hazard.
- 2) Parking in a green zone is for a limited time only as indicated by the curb marking.
- 3) Parking is prohibited in or on any common area landscaped or turf areas.
- 4) Parking in the common areas in a manner that leaves oil or debris is not permitted.

**6405 Overnight Parking (12-17-03)**

Common area space shall not be used for overnight parking of resident vehicles with decals between the hours of 1:00 am and 6:00 am. If the number of vehicles owned by a resident and validly registered with NSCA office is such that no additional vehicles could be parked in the resident's garage and driveway - as they were originally designed for parking vehicles, or, as modified with the approval of the Architectural Committee, then such vehicles may be parked in common area space. Common area space is defined as all property owned or eased by the Association, and includes without limitation: the streets within Niguel Shores; landscaped areas; and turf areas.

Additional vehicle(s) to be parked in the common area space must be validly registered with the NSCA office. If the resident's information is current, the resident can request a waiver which will identify the additional vehicle(s) as authorized to be parked on common area space overnight.

The following fee schedule applies for all waivers:

- 1) A one-time \$25 fee per waiver requested for more than a temporary period of time (i.e., more than sixty (60) days unless extended in conjunction with an approved construction project).
- 2) All waivers must be renewed annually, if still eligible. An annual renewal fee of \$10 per waiver will be implemented and charged.

**6406 Beach Parking (07-07-99)**

No parking is allowed in the beach parking lot between the posted hours and during such periods as are posted at the entrance. Visitors displaying a valid *Visitor Day pass*, *Special Entry Permit* or *Guest Parking Permit* may park in the beach parking lot upper tiers only on Memorial Day and Labor Day weekends and on the Fourth of July and on a weekend when the Fourth of July falls on a Friday, Saturday, Sunday or Monday.



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**6407 Visible Parking (12-17-03)**

Vehicle bar code decals/permits/passes will be issued only to passenger vehicles and recreational vehicles where these motor vehicles are used primarily in the day-to-day transportation of persons. These vehicles may be visibly parked provided:

- 1) Said vehicle does not exceed a 145-inch wheel base dimension of 85 inches overall height dimension (including roof-mounted appurtenances)
- 2) The camper shell, or other appurtenance mounted above or behind the vehicle operator's compartment (cab) does not extend more than six (6) inches above the chassis' original roof line
- 3) The vehicle has no unsightly external rigging or appurtenances and does not carry a commercial message or logo
- 4) That, if the vehicle is an electric cart, the electric cart has been registered with the NSCA business office and a decal has been issued per **Rule 6517**

**6408 Limited Parking (12-16-86)**

Recreational vehicles (motor homes included) which are not used primarily in the day-to-day transportation of persons are allowed to be temporarily visibly parked provided that: (a) an appropriate *Vehicle Entry Permit* has been issued pursuant to **Series 6500** of these rules, (b) such parking is for the purpose of loading and unloading of passengers and/or equipment only, (c) there is no electrical or other utility hook-up between the vehicle and any property, (d) there is no overnight sleeping or residing of persons in the vehicle, (e) such parking does not exceed twenty-four (24) hours, and (f) such parking is otherwise in compliance with these rules.

**6410 Advertising Parked Vehicles for Sale (12-06-89)**

No person shall maintain any sign or advertisement upon or in a vehicle, including but not limited to a car, truck, trailer, boat, motorcycle, camper or motor home, advertising such vehicle for sale, rent or lease, while such vehicle is parked upon any common area streets or parking areas within Niguel Shores unless such vehicle is parked on or immediately in front of the property to which it is registered.

A vehicle parked in accordance with this rule must also be parked in accordance with all other parking rules and regulations.

**6420 Repairs of Vehicles (12-16-86)**

No vehicle shall be constructed, repaired, serviced or stored on the common area or in a visible area of a residential lot, except that repairs of only an emergency nature to a vehicle rendered inoperative as the result of unforeseen circumstances shall be permitted. Emergency repairs are those that are minor and are minimally required to make a vehicle operative. Such repairs must be completed within twenty-four (24) hours after a vehicle has become inoperative.

**6430 Traffic Regulations (07-18-90)**

- 1) The speed limit within Niguel Shores shall be no more than is safe under circumstances, and never more than posted speed limits
- 2) All stop signs and other traffic regulating devices shall be observed and followed by all operators of vehicles at all times.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 3) All vehicles operating within Niguel Shores shall be duly licensed and operated as required by the *California Vehicle Code* including noise abatement, and shall be driven by legally licensed drivers.
- 4) No vehicle shall be operated on walkways or areas other than streets and parking facilities.
- 5) No vehicle shall be operated within Niguel Shores in a manner that is unsafe or presents a danger to the safety of persons or property.

**6431 Golf Carts (04-18-07)**

Golf cart and other electric carts as defined by **Rule 6305.3** may be owned and operated within Niguel Shores provided:

- 1) The cart must otherwise be maintained and operated at all times in accordance with California Vehicle Code and the NSCA Vehicle Rules.
- 2) The individual operating the cart has a valid driver's license.
- 3) All individuals riding in the cart are seated in a proper and safe manner.
- 4) No person or object may be towed by the cart.
- 5) The cart is operated in a manner as to not create unsafe conditions for other vehicles, persons or property.
- 6) The cart must be in a valid parking space when parked in the beach bluff or community center lots.
- 7) The cart must be operated only in the street or approved parking areas when on NSCA common area property, and may not be driven on sidewalks, walkways, or on any of the Association landscaped areas. Residents not maintaining, operating or storing a cart within the guidelines listed above will be subject to tow-away, and/or a hearing before the Board of Directors and a fine, as per **Rules 2711.V** and **6440** of the Rules & Regulations.

**6435 Operating Motor Vehicles on Greenbelts (05-01-91)**

All motor vehicles are to be operated only upon the road system throughout the NSCA. Vehicles are not to be driven over or upon any common area green belts or planted landscape materials, and sidewalks.

Violators may receive a fine, plus assessment of all costs to make repairs.

**6440 Enforcement Procedures (5-16-06)**

- 1) Fine and Tow-Away: Except as noted in Section 3(e). of this rule, the following enforcement procedures will be implemented for the violation of these Vehicle Rules upon a first or subsequent violation by any owner and/or operator of a vehicle within Niguel Shores.
  - a) A fine will be levied by the Board of Directors in accordance with the NSCA's policy and procedures of fines and penalties. **Rule 2711 V.**
  - b) The vehicle will be towed away in accordance with the tow-away procedure set forth in (3) below.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 2) **Warning Notice for Fines and Tow-Away:** Before a fine may be assessed or a vehicle towed away, a written warning notice (*Notice of Violation*) may be given which shall include:
- a) Vehicle description – make, model, color, and, vehicle identification number (VIN number) if available
  - b) License number and state of issuance
  - c) Date and time warning notice issued
  - d) Location of vehicle
  - e) Violation charged
  - f) Identity of person issuing warning notice (may be coded)
- 3) **Tow-Away Procedure:** When the vehicle is to be towed away, the following steps are to be taken in accordance with these rules and the provisions of *Section 22658.2* of the *California Vehicle Code (CVC)*.
- a) At least one (1) hour prior to the removal of a vehicle owned by either a member of the NSCA, or a member of the public who is not a member of the NSCA, the designated representative of NSCA as identified in (f) below, shall affix a *Notice of Violation* to the vehicle which shall contain the following:
    - \* A statement that the vehicle will be towed if not removed within one (1) hour from the time the notice was left on the vehicle
    - \* The identity of the provisions of the *CC&R's, Bylaws* or these *Vehicle Rules* that are violated.
    - \* The time the notice was affixed to the vehicle.
  - b) Tow-away service will be called by authorized representative of the NSCA as designated in (f) below.
  - c) The tow-away/impound service shall give, or cause to be given, notice of the removal to the registered owner of the vehicle and to the local law enforcement agency in accordance with *CVC*.
  - d) The towing company receipt is filled out by towing service, signed by the NSCA representative, and a copy is returned to the NSCA Office.
  - e) Removal may be made, without notice, of any vehicle parked as follows:
    - \* Not clearly displaying a valid NSCA decal or permit or pass that is easily readable through the windshield.
    - \* In a marked fire lane.
    - \* Within fifteen (15) feet of a fire hydrant.
    - \* In a space designated for handicapped without proper authority.
    - \* In a manner that interferes with entrance to or exit from NSCA.
    - \* In a manner that interferes with entrance to or exit from any lot, parcel or area owned by a member of the NSCA.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- f) The following representatives of the NSCA are designated, in the order listed below, to authorize a tow-away:
- \* Access control contractor employee
  - \* The general manager
  - \* An NSCA Board member
- 4) **Abandoned Vehicle:** When it is believed that the vehicle is abandoned, the Sheriff's office will be requested to handle the matter.
- 5) **Responsibility of Owner for Violation of Rules:** The owner of any vehicle and/or residential lot in violation of these rules, shall be subject to these enforcement procedures. Owners of residential lots within Niguel Shores are further responsible for rules compliance and the violations thereof by their guests, tenants, and delegates.

**NSCA RULES**

**REGISTRATION**

**6500**

**6501 Permits-General (12-17-03)**

All owners and operators of all vehicles entering and using the common areas of Niguel Shores shall comply with the following bar code decal, pass and permit requirements, except that these rules shall not apply to vehicles operated and owned by public officers or entities when operated during the discharge or attempted discharge of any duty of such public office or entity. See **Rule 6606**.

- 1) Requirement of bar code decals, passes and permits:
  - a) The owner or operator of any vehicle to be parked, maintained, used or operated upon property and streets within Niguel Shores shall obtain a valid bar code decal or permit for each such vehicle as herein provided. Vehicles found on common area are subject to towing if a valid bar code permit is not readable and in plain sight. A current and valid decal, pass or permit issued in accordance with **Series 6500 and 6600** of these rules must be easily visible on the back left window on the outside of the vehicle at all times when the vehicle is parked or operated upon property or streets within Niguel Shores. **Rule 6440** will be strictly enforced.
- 2) Issuance of decals, passes and permits: (09-24-92)
  - a) Except as otherwise provided, all permits will be issued only at the administrative office of the NSCA located at the Community Center and shall not be issued by mail or telephone request.
- 3) Registration of bar code decals, passes and permits:

The NSCA management shall maintain a written or computer data base record of permits issued, other than *Visitor Day Permits*, which is to be indexed by owner's last name. The record shall contain the following information:

  - a) Owner's application
  - b) Owner's first and last name, address, tract and lot number
  - c) Type of vehicle (passenger vehicle, motorcycle, motor truck, recreational vehicle, other)
  - d) Make, model, year and color of vehicle

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- e) Vehicle wheel base dimension and vehicle height dimension, if applicable
- f) Date of issuance of bar code decal, pass or permit
- g) Expiration date or duration of validity of decal, pass or permit

**6505 Display of Permit (4-21-99)**

A current and valid permit issued in accordance with **Series 6500 and 6600** of these rules must be easily readable through the windshield from the outside of the vehicle at all times that the vehicle is parked or operated upon property or streets within Niguel Shores. See **Rule 6440** for enforcement.

**6511 Vehicle Gate Access Bar Code Decal (02-06-2002)**

A vehicle gate access bar code decal will be issued to each validly registered vehicle upon presentation of proof of vehicle ownership and if otherwise qualified. A current *Information Declaration* must be on file with the NSCA office.

A total of two (2) access bar code decals will be issued to the owner of each property at no charge. Additional access bar code decals will be issued to owners at a charge of \$20 each. Access bar code decals will be issued to resident household members and tenants at a charge of \$20 each.

Defective access bar code decals returned to the NSCA office within thirty (30) days of issuance will be exchanged at no charge. Defective access bar code decals returned to the NSCA office more than thirty (30) days after issuance, may be replaced at a charge of \$20 each. Lost or stolen access bar code decals may be replaced at the NSCA office for a replacement fee of \$20 each. Fees are payable by check or exact cash.

Vehicle gate access bar code decals are issued only to persons and their vehicles authorized in categories listed in **Rule 6512**. Owners, Resident household members, and tenants must contact the NSCA office to obtain required applications and pay applicable fees. The vehicle must be brought to the NSCA office, where staff will affix a vehicle gate access bar code decal to the validly registered and qualifying vehicle. Invalid access bar code decals will be deactivated and will not be usable for future entries.

**6512 Access Bar Code Decals - Authorized Persons/Vehicles (12-17-03)**

- 1) **Owner:** An owner is an individual named on title to both the NSCA property and the vehicle.
- 2) To be eligible for a vehicle gate access bar code decal, an owner must provide a copy of the current vehicle registration for verification of vehicle ownership. The vehicle does not need to be registered to the NSCA property address.
- 3) An owner may obtain one vehicle gate access bar code decal per vehicle, up to a maximum total of five (5) per property in all categories, registered to the owner of the NSCA property. If more than five (5) are required, a written request to the Traffic and Safety Committee must be submitted and approved.
- 4) **Resident Household Member:** a resident household member is an individual listed on the *Information Declaration* as residing at the NSCA property full-time, and, whose vehicle is registered to that resident household member at the NSCA property address.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- 5) To be eligible for a vehicle gate access bar code decal, a resident household member must provide a copy of the current registration for verification of vehicle ownership and registered address.
- 6) Non-resident guests may be given convenient access by being included on the owner's *No Call Permanent Guest List*.
- 7) Tenants: A tenant is an individual named on a fully executed (no less than) month-to-month agreement and listed as a resident on the *Information Declaration*, whose vehicle is registered to that individual.
- 8) To be eligible for a vehicle gate access bar code decal, a tenant must provide a copy of the current vehicle registration for verification of vehicle ownership. The vehicle does not need to be registered to the NSCA property address.
- 9) A tenant may obtain one vehicle gate access bar code decal per vehicle, up to a maximum total of five (5) per property in all categories, for each vehicle registered to the tenant. Each vehicle gate access bar code decal issued to a tenant must be renewed during the month the agreement expires. A fully executed renewal agreement must be provided to the NSCA Office. There is not a charge for a renewal.
- 10) Trust/Corporation/Partnership – Ownership: For purposes of these rules, the Trustees of a Trust, the Officers of a Corporation, and the General Partners of a Partnership named in a recorded deed to the property, or their designated agents in writing, will be considered owners.
- 11) Company Owned Vehicles: If a vehicle is registered to a company name, which company employs an owner/resident household member/tenant, and the vehicle has been assigned to the owner/resident household member/tenant for his exclusive use, relevant paperwork linking the vehicle to the company to the owner/resident household member/tenant must be provided – i.e., current registration and business card or company letterhead with information so identifying the owner/resident household member/tenant - employee.
- 12) Owners' Agents: Vehicle gate access bar code decals will not be issued to owners' agents with *Owner/Agent Agreements* on file in the NSCA office. A *Service Permit* will be issued to the owners' agent. *Owner/Agent Agreements* are available from the NSCA office.

**6513 Transfers Prohibited (4-21-99)**

Owner and tenant vehicle decals/permits are the property of the NSCA and are not transferable to guests, friends, service contractors or other unauthorized persons or vehicles. Any unauthorized use may result in a fine or withdrawal of decal/permit use privileges temporarily or permanently, depending upon the circumstances and the ruling of the NSCA Board of Directors.

**6514 Stolen, Lost, or Damaged Gate Access Items (4-21-99)**

Stolen or lost vehicle decals will be replaced only upon proper execution of an NSCA *Loss Report Declaration* and payment of a non-refundable fee. See **Rule 2714** for fee.

**6515 Proof of Residence (04-21-99)**

Proof of residence for issuance of vehicle gate access device(s) shall be required by the NSCA as follows:

- 1) Property Owners

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- a) Current owners must have identification that corresponds with NSCA records, e.g., a driver's license.
- b) New owners must have a copy of the recorded grant deed and certified escrow closing statement, or other documentation satisfactory to the NSCA.

2) Tenants

- a) Tenants must have identification, e.g., a driver's license.
- b) Tenants must have a copy of the rental or lease agreement.

**6516 Issuance of Vehicle Gate Access Devices (4-21-99)**

- 1) Vehicle gate access items will be issued in person only during normal business hours Monday through Friday, or, in case of extenuating circumstances, as approved by management.
- 2) Vehicle registration items requested on behalf of a minor, under the age of eighteen (18) years, will be issued only in person to the minor's parent or guardian.

**6517 Authorized Vehicles (12-17-03)**

Vehicle decals/permits/passes will be issued to passenger vehicles and recreational vehicles that are used primarily in the day-to-day transportation of persons provided:

- 1) Said motor vehicle does not exceed a 145-inch wheel base dimension or 85 inches overall height dimension (including roof-mounted appurtenances).
- 2) That any camper shell, or other appurtenance mounted above or behind the vehicle operator's compartment (cab) does not extend more than six (6) inches above the chassis' original roof line.
- 3) The motor vehicle has no unsightly external rigging or appurtenance and does not carry any commercial message or logo.
- 4) If the motor vehicle is a motorized cart:
  - a) The motorized cart is owned by the property owner and the property owner can provide proof of ownership.
  - b) The motorized cart must be driven by a licensed owner driver.
  - c) The owner must carry liability insurance covering damage caused by all drivers of the motorized cart.

Motorized carts cannot be operated on greenbelts or walkways within the community. A motorcycle decal will be affixed to the motorized cart.

**6518 Revocation of Permits (03-27-00)**

Vehicle gate access devices may be revoked, deactivated or invalidated for violation of the conditions of issue or the rules at any time, after a hearing by the Board of Directors.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**NSCA RULES**

**VEHICLE ENTRY PERMITS**

**6600**

**6601 Types of Permits (09-05-01)**

There shall be four (4) types of limited vehicle entry passes/permits. The type of pass/ permit issued by the NSCA for access to and use of the property and streets within Niguel Shores will depend upon the purpose for entry and the length of time that the vehicle will be utilizing the streets and property (including common areas and residential lots) within Niguel Shores. These shall include the following:

- 1) *Visitor Day Passes*: These are issued by the gate officer at Mariner Drive gatehouse and only upon request of a resident. Residents may authorize daily issuance of *Visitor Day Passes* by notifying the gate officer up to one day in advance of arrival. This pass expires at 2:00 pm the next day unless the vehicle leaves NSCA and does not return until after midnight. If so, the pass automatically expires on the same day issued. No more than three (3) *Visitor Day Passes* can be issued by phone call to the gatehouse on any given day. No more than nine (9) *Visitor Day Passes* can be issued by written request delivered to the gatehouse on any given day. If ten (10) or more passes are needed on any given day, please refer to **Rule 6607**.
- 2) *Special Entry Permits (Guests)*: Guests may be issued permits valid for between three (3) and thirty (30) days, upon completion of the *Guest Authorization Form*, complete with an adult owner or tenant's signature. Permits are issued by the NSCA office only. Permits may be renewed three (3) times, for a total of 120 days, upon submittal of a new *Guest Authorization Form*, signed by an adult owner or tenant. Expired special entry permits must be returned prior to issuance of a new permit.
- 3) *Member/tenant (decal) permits*:
  - a) *Members permits* are issued only to NSCA members or registered full-time members of their household and are valid until re-issued, revoked or there is a change in membership status, whichever occurs first.
  - b) *Tenant permits* are issued to tenants and registered full-time members of their household and valid for one (1) to twelve (12) months, depending upon the term of the leasehold unless the tenant vacates the property prior to expiration of lease or the NSCA administrative office voids the permit.
- 4) *Service Permits* may be issued at a resident's request for service personnel including, but not limited to, contractors, housekeepers, gardeners, caregivers, etc. There will be three (3) types of permits issued. All permits, except *One-day Service Permits*, are valid Monday through Saturday, 7:00 am to 7:00 pm unless a special request is approved by management.
  - a) *One-day Service Permit – Repairs/Deliveries*: *One-day Service Permits* will be issued by the Mariner Gate with an authorization call from the resident prior to the arrival of the service person. The *One-day Service Permit* is intended for use by the occasional repairman or delivery person, etc. The permit will be valid for twelve (12) hours from the time it is issued at the gatehouse.



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- b) *Six-month Service Permits – Repetitive Services:* The *Six-month Service Permit* will be issued by the NSCA office upon receipt of an application completed by the resident. A *Six-month Service Permit* will be issued to those who perform repetitive services on a regular schedule such as housekeepers, landscape maintenance and pool maintenance personnel, caregivers, etc. A *Six-month Service Permit* is valid from April 1 to September 30, or October 1 to March 31. Once written authorization is received, the resident or service person may pick up the permit the following day.
- c) A resident may request a maximum of six (6) *Six-month Service Permits*. Anyone desiring additional permits must submit a written request to the Traffic and Safety Committee via a *Homeowner Request Form* before the office can issue more than six (6) per property. The committee will have discretion to authorize the office staff to allow a variance to this rule, based on the request submitted.
- d) *Time-limited Service Permits:* Contractor and/or subcontractors *Time-limited Service Permits* will be issued for contractors and/or sub-contractors by the NSCA office upon receipt of an application completed by the resident. Phone call authorizations or written lists will not be accepted at the Mariner Drive gate for contractors and/or sub-contractors who will be in the community longer than one (1) day. A *Time-limited Service Permit* will be issued to the resident, and is intended for use by service personnel who will only be at a home for a concentrated, limited time for services such as major home repairs, renovations of home exteriors and interiors, landscape installation, pool/spa installation, etc.

*Time-limited Service Permits* will be valid for up to one (1) calendar quarter at a time, and will be reissued each calendar quarter for up to two (2) calendar quarters only, unless a special request is made and approved by management. The number of *Time-limited Service Permits* which may be requested is unlimited, but must be reasonable for the service being provided. As an example, more *Time-limited Service Permits* would be issued for the construction of a new home versus for the painting of a home or the replacement of a driveway. The number of *Time-limited Service Permits* to be issued will be at the discretion of management, with input from the resident. Calendar quarterly *Time-limited Service Permits* will be color-coded for easy identification by the Mariner Drive gate officer. On a daily basis, the Mariner Drive gate officer will log the number of service providers arriving for each residence. This log will assist management in determining the number of *Time-limited Service Permits* to be renewed the following calendar quarter. *Time-limited Service Permits* must be picked up by the resident from the NSCA office. The resident will be responsible for distributing the permits to the service personnel and renewing the permits on a calendar quarterly basis.

**6602 Conditions for Permit Issuance (12-17-03)**

- 1) Permits (except *Visitor Day Permit*) will be issued only to the following:
  - a) The owner/tenant, upon application
  - b) Passenger vehicles, except passenger vehicles which are also recreational vehicles which are provided for in (d) below.
  - c) Passenger vehicles subject to the limitations set forth in **Rule 6517** which are also recreation vehicles if primarily used, designed, and maintained in the day-to-day transportation of persons.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

- d) Vehicles other than passenger vehicles and recreational vehicles only upon the following terms and conditions:
  - \* On a *Service Permit* basis only and for the specific purposes of emergency vehicle repairs or where the vehicle is used in the temporary construction or maintenance of any improvements to a residential lot or common area
  - \* For the same day pick-up and/or delivery of property or persons
- 2) No permit will be issued for any vehicle which has:
  - a) A wheel base dimension exceeding 145 inches
  - b) A height dimension exceeding 85 inches
  - c) Exceptions may apply on a case-by-case basis only upon prior approval of management and for the specific purposes of emergency vehicle repairs, or where the motor vehicle is used in the temporary construction or maintenance of any improvements to a residential lot or common area.
- 3) Permits shall be valid only for their stated duration. Upon expiration of the term of any permit, a new permit may be issued upon re-application. Expired permits must be returned to the NSCA management prior to issuance of a new permit.

**6603 Guest Parking Permit (Villas and Sea Terrace II) (03-27-00)**

Residents in this area will periodically receive by mail nine (9) *STII/VILLAS Parking Permits* that are only good for this area of the community. They will have an expiration date and visitors must use them to park on the common area or the vehicles will be subject to towing. The *STII/VILLAS Parking Permits* cannot be used to enter the main portion of the community. Guests without a valid *Special Entry Permit* who want to enter the main portion of the community and park at the Community Center or in the beach lot must be called in to the Mariner Gate by the resident and must enter through the Mariner Gate guest lane in order to receive a *Visitor Day Permit*.

**6604 No Call List (12-16-86)**

- 1) Resident owners/tenants may authorize admittance of regular visitors without prior call to the guard at the Mariner Gate by submitting written authorization to the NSCA office on the visitor *No Call List*.
- 2) A maximum of four (4) such authorizations shall be permitted for each property address at any one time.
- 3) Revisions to the visitor *No Call List* shall cancel all previous authorizations.
- 4) Authorizations must be signed by the owner/tenant of record.
- 5) Visitors on the *No Call List* will be issued a *Visitor Day Permit* by the guard which shall be displayed in the vehicle while in the community.
- 6) Residents shall not be permitted entry by "no-call" authorization. Admittance of owners and tenants shall be in conformance with applicable rules and not by the visitor *No Call List*
- 7) Visitor "no call" status may be denied or revoked at the discretion of the Board of Directors following a hearing if the visitor fails to comply with the *CC&R's* and/or the NSCA's *Rules and Regulations*.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**6605 Realtor Entry (07-01-98)**

When property in Niguel Shores is for sale or rent/lease, real estate agents and prospective purchasers or tenants will be granted entry only as follows:

- 1) Owner call-in
  - a) Mariner entrance: The property owner may call the Mariner Gate to authorize entry for a specific agent/client on the day the property is to be shown.
  - b) Manta or Garibaldi or Breakers Isle entrances: Owners in the Villas and Sea Terrace II must receive the agent's call on arrival at the gate and execute entry procedures.
- 2) Letter of Authorization: Property owners may authorize admittance in the owner's absence until the property is sold or rented/leased by submitting a *Letter of Authorization* to the NSCA business office. The letter shall include the owner's name, address of the property listed, and shall designate the specific real estate agent or firm to be admitted. If the property is on a multiple listing and the owner wishes all real estate agents to be admitted upon proper identification, the letter must so state.
  - a) Mariner entrance: Gate personnel will verify authorization from the letter on file and will permit entry. It is not necessary for the real estate agent/firm to call the NSCA business office in advance.
  - b) Manta or Garibaldi or Breakers Isle entrances: After entrance authorization has been verified at the Mariner entrance by gate personnel, real estate agents/firms call the Mariner Gate on arrival at the Manta, Garibaldi and/or Breakers Isle entrances, and the Mariner Gate personnel will execute entry procedures.
- 3) Identification: Each agent will be required to show Mariner Gate personnel his/her *Department of Real Estate Identification Card* and a real estate business card upon which has been written the date of the visit and the address of the property to be shown. Only that property for which authorization has been granted shall be shown.
- 4) Caravans: Caravans are permitted within Niguel Shores only on Thursday mornings between the hours of 9:00 am and 1:00 pm, or at such other times as the Board of Directors may designate. Drivers of caravan vehicles must present identification as required in (3) above.

**6606 Public Officer Entry (12-16-86)**

Any public officer involved in discharging or attempting to discharge any duty of his/her office shall, upon providing proper identification, be admitted to Niguel Shores.

**6607 Special Event or Group Entry (08-21-02)**

Niguel Shores community access to "Special Events/Group Entry" is handled as follows:

- 1) When a resident has more than three (3) guests arriving in the main portion of the community on the same day, the Mariner Gate guard must be given a written guest list showing first and last names.



**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**9103 Running on Owner's Premises (12-17-03)**

Subject to the requirements of **Rule 9101**, these rules do not prohibit dogs from running at large on the private property of the owner or person having charge of such dog, nor do they prohibit dogs, other than un-spayed female dogs during breeding period, from running at large on any private property with the permission of the owner of such property.

**9104 Public Protection from Dogs (02-20-02)**

Dog owners and custodians of dogs shall, at all times, take all reasonable precautions to prevent their dogs from biting, attacking or attempting to bite any person, or from interfering with the use of common area or private property. Any person owning or having custody or control of a vicious dog commits a violation of these rules if, as a result of that person's failure to exercise ordinary care, the dog bites, attacks, wounds or otherwise injures or kills a human being, and if the owner or custodian knew or should have known of the vicious or dangerous nature of the dog. It is unlawful for any person to fail to comply with these rules.

However, nothing in these rules shall authorize the bringing of an enforcement hearing, pursuant to a violation of these rules if the bite, attack, attempted bite, injury or threat was sustained by person who, at the time, was committing a willful trespass upon the private property occupied by the owner or custodian of the dog, or was committing or attempting to commit a crime upon the private property occupied by the owner or custodian of the dog, or was teasing, tormenting, abusing or assaulting the dog, or who has, in the past, teased, tormented, abused or assaulted the dog, you the owner or custodian of the dog, or was teasing, tormenting abusing or assaulting the dog or who has, in the past, teased, tormented, abused, or assaulted the dog.

**9105 Beware of Dogs Notice (02-20-02)**

Whenever the Board or management receives a report of a dog with a disposition of propensity to attack or bite any person or animal without provocation, he or she may require a sign to be placed by the owner stating the following: "Beware of Dog."

**9106 Keeping Animals or Fowl Near Residences (12-17-03)**

It is unlawful for any person to keep or maintain on his or her private property any animals, birds, fish, mammals or reptiles within 100 feet of any other residence, his or her own lot not included, except as follows:

- 1) If such possession is expressly allowed by the Zoning Code within Niguel Shores.
- 2) If they are domestic pets, including dogs, cats, caged birds, fish aquariums or other similar household pets.

**9107 Trespassing (02-20-02)**

No person owning or having charge, care or custody of any animal shall permit such animal to trespass or be upon any private property of another person without consent of such person.

**9108 Property Damage (02-20-02)**

No person owning or having charge, care or custody of any animal shall permit such animal to damage or destroy the property of another person other than that of the owner of such an animal.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**9109 Disturbing the Peace (02-20-02)**

It is unlawful for any person to keep, maintain or permit on any common area or private property under his or her control, any animal, which may, by any sound or cry, disturb the peace and comfort of the inhabitants of the neighborhood or interfere with the reasonable and comfortable enjoyment of life and property.

**9110 Excreta Nuisance Prohibited (02-20-02)**

It is unlawful for the owner or person having charge, custody or control of any animal to permit, either willfully or through failure to exercise due care or control, any such animal create a nuisance by leaving its excreta and to allow such nuisance therefore remain on common area or on any improved private property other than that of the owner or person who has custody or control of such animal. Any owner or person found in violation of this rule shall be fined, payable to NSCA, for each violation.

**9111 Tying Animals to Trees (02-20-02)**

No person shall tie any animal to any shrub or tree growing on any common area.

**NSCA RULES**

**TRASH PICK-UP**

**9200**

**9201 Littering Prohibited (02-01-85)**

Littering, disposal of trash, grass, clippings or other debris on or around the common areas and facilities is prohibited.

**9202 Trash Containers (02-01-85)**

Trash and rubbish are to be placed in containers adequate to protect the contents from animals and the elements.

**9203 Storage of Containers (02-01-85)**

Trash containers shall be stored in such a manner that they cannot be seen from the street or other property.

**9204 Placement for Collection (02-01-85)**

Trash containers shall not be placed out earlier than the evening before nor left out longer than the evening of the scheduled pick-up.

**9205 Distribution of Printed Material (06-17-92)**

Homeowners and residents, as well as outside companies/individuals, are not permitted to distribute printed materials to homes, mailboxes, or on vehicles within Niguel Shores. Any printed material should be mailed to the homes. Examples are (and the list is not inclusive): flyers advertising a business, homes for sale/rent, garage sales, advertising of services such as printing, housecleaning, landscape maintenance, etc.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**9206 Signs (12-17-03)**

Commercial signs and signs other than non-commercial, occupant identification, private security company information, or street number are not permitted except with one (1) of the following exceptions:

- 1) A member may display one (1) sign advertising the residence for sale, lease or rent. The sign shall be no larger than four (4) square feet, including any informational riders, and shall be done in a professional manner. Signs may not be placed upon the NSCA's common areas or slope easement areas. Signs placed in these areas will be immediately removed by the NSCA and taken to the NSCA office for storage. Signs not claimed by their owners within five (5) days of removal will be disposed of by the maintenance staff.
- 2) The sign may be placed inside the home, facing out through a front window. The sign may also be affixed to a metal stake that is less than one (1) inch in diameter and placed in the front yard. Signs may not be affixed to wooden 2x2 or 4x4 posts, affixed to fences, or affixed to the home's exterior building surface.
- 3) Realty signs shall be removed after close of escrow.
- 4) See Rule 2711 (3) for enforcement and penalties.

**NSCA RULES                      NSCA ACCOUNTING MINUTES / RECORDS ACCESS                      9300**

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**9301 Inspection of Records (12-17-03)**

- 1) Subject to the provisions of the *California Corporations Code, Section 8333*, and *Civil Code Section 1363(f)* and *1365.2*, the accounting books, records, and minutes of the general session meetings of the Board shall be open to inspection upon the written demand to the NSCA by any member at any reasonable time for a purpose reasonably related to such person's interest as a member.
- 2) Other documents, records and papers of the NSCA may be inspected upon the written request of any member of the NSCA and with the prior approval of the Board of Directors. Such approval shall be at the sole discretion of the Board of Directors and upon such terms and conditions as the Board of Directors deems to be in the best interest of the NSCA.

**NSCA RULES    REWARD FUND    9400**

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**9401 Reward Fund (02-01-85)**

A fund shall be established from which rewards will be paid to those persons providing information (a) leading to the arrest of anyone who is later convicted of vandalism and/or willful destruction of or damage to any NSCA property or (b) leading to the apprehension of persons who later make full restitution for any such damage.

**9402 Reward Fund Administration (02-01-85)**

The fund will be administered by the Board of Directors. Recommendations for rewards will be made to the Board of Directors by the Traffic and Safety Committee, and the Board of Directors will determine the amount of the reward, up to \$500 per incident, to be paid by NSCA.

**NIGUEL SHORES COMMUNITY ASSOCIATION**  
**Rules and Regulations as of 06-20-07**

**NSCA RULES**

**HOMEOWNER REIMBURSEMENT**

**9500**

**9501 Sewer Laterals (7-7-04)**

The homeowner is responsible for the maintenance, repair and, if necessary, replacement of the lateral sanitary sewer line. The homeowner's responsibility extends from the house connection to the main sewer line connection in the street. NSCA will not reimburse or otherwise be responsible to homeowners for any maintenance, repair or replacement including damage from root blockage.

If maintenance of the lateral sewer line by a homeowner requires excavating the common area or the street, the homeowner must notify the NSCA office so repair of the common area and/or the street can be monitored, inspected and approved by NSCA.

**9502 Vehicle/Tire Damage Repair/Replacement Involving Entry/Exit Gates (12-17-03)**

To file a claim against the NSCA for vehicle or tire damage, the following steps must be adhered to before the Board of Directors will evaluate the claim:

- 1) If the damage occurs during business hours the NSCA staff must be contacted immediately and an *Incident Report* form obtained and completed.
- 2) If the damage occurs between 5:00 pm and midnight, the patrol officer on duty at the Mariner Drive gate must be contacted immediately and an *Incident Report* form obtained and completed.
- 3) If the damage occurs between midnight and 9:00 am, the Mariner Drive gate drive attendant must be contacted immediately and an *Incident Report* form obtained and completed.
- 4) The affected vehicle's mileage will be recorded and the tread on the damaged tire(s) or damage to the vehicle will be verified and photographed.
- 5) On completion of the repair or replacement of the damaged tire(s), but within ten (10) days of occurrence, a paid invoice must be submitted to the NSCA business office. The paid invoice must be complete, stating the vehicle mileage and the tire brand and size for both the damaged tire(s) and the new tire(s). For damaged vehicles, the owner must provide at least two (2) separate estimates to repair the vehicle and present them to NSCA with the claim.
- 6) If circumstances do not allow immediate contact of the NSCA office, patrol, or the Mariner Drive gate attendant to report the incident and have the vehicle or damaged tire(s) reviewed and photographed, the damaged vehicle or tire(s) must be brought to the NSCA office during regular business hours within ten (10) days of the occurrence.
- 7) The NSCA office will be responsible for the disposal of the old tire(s).
- 8) The claim will be reviewed by the Board of Directors within two (2) to three (3) weeks at a regularly scheduled meeting and the car owner notified by mail of the decision.
- 9) If it is decided that a reimbursement is justified, the car owner will be required to execute a *Settlement Agreement and Release* before the check will be made available.
- 10) Failure to follow the above instructions could reduce the maximum recoverable amount to 50% of the paid invoice. However, individual circumstances for each claim will be reviewed, and the Board of Directors may reduce or deny a claim for damages and reimbursement.



