

# **Daybreak La Mesa** **Property Owners Association**

## **RULES AND REGULATIONS HANDBOOK**

### **Welcome to Daybreak La Mesa!**

Your Board of Directors main concern is making Daybreak La Mesa a community you will enjoy and be proud of and, in an effort to assure that all of us will continue to be good neighbors, the Board has prepared a set of Rules and Regulations. Each property owner, their families, tenants, and guests have the responsibility of adhering to these rules in order to create a more congenial environment and neighborhood. Your cooperation in not only abiding by these Rules, but in assisting with their enforcement, is an integral part of Daybreak's success. The ultimate responsibility for compliance with these Rules rests with the individual property owner and is enforced through monetary penalties, and/or restriction of an individual's right to use facilities and certain common areas, as outlined in the governing CC&R's and Bylaws.

The basic principle for the Rules and Regulations is that no person(s) within the boundaries of Daybreak shall infringe upon the rights or expectation of quiet enjoyment of any resident or guest. They provide guidelines which insure comfort, safety, security, and convenience.

Landlords are required to provide a copy of these Rules and Regulations to their tenants prior to the tenant(s) taking possession of the unit. The lease should include language which states the tenant(s) have received, and will abide by, the Rules and Regulations.

Should you have questions or need clarification of these Rules, please contact the Management Company at 619-270-7360 or [info@360hoa.com](mailto:info@360hoa.com) immediately in order to avoid any unnecessary actions for infractions.

Daybreak La Mesa  
Board of Directors

## **DEFINITIONS & MISCELLANEOUS**

- 1. Association:** The Property Owners Association consists of all property owners and is represented by the Board.
- 2. Board:** The Board of Directors are five unpaid volunteer residents elected by the property owners at the Annual Meeting of the Membership each May for staggered two year terms. The Board holds regular monthly meetings to conduct business matters, including enforcement of the governing documents. The location and time of each meeting is posted on the bulletin board at the mailbox area and homeowners are welcome to attend the open session.
- 3. Manager/Management:** The individual(s) and/or company designated by the Board to handle day-to-day operations of Daybreak La Mesa, including financial and property management.
- 4. Unit:** The dwelling place, as defined by the surface of the interior walls, including the garage area and exclusive use common area of patios and balconies.
- 5. Common Area:** All area within Daybreak La Mesa outside of the living units.
- 6. Exclusive Use Common Area:** Those areas not within the interior of a deeded unit, designated by the CC&R's to be the private area and responsibility of an individual unit/owner.
- 7. Use of Units:** Units shall be used for residential purposes only. Commercial or business activities are limited to professional occupations carried on within a unit with no external evidence of same.
- 8. Resident:** For the purpose of these rules and regulations, the term "Resident" is herein defined as an owner, renter, or lessee (tenant). Definition is also found in the C.C. & R's.
- 9. Visitor/Guest:** Any person not residing at Daybreak La Mesa who is an invitee of a resident.

## **RULES ENFORCEMENT POLICY:**

The following procedure will apply to all violations and infractions of the governing documents and Rules and Regulations, excluding parking violations. Residents may report violations to the Management Company by submitting a written notice describing the violation, to include date, time, location and occurrence. Board Members, Management personnel and appointed Committee members may also note and report violations. Actions on violations are as follows:

1. **First notice** sent to the owner of the unit informing them of the specific violation and requesting immediate correction and response to the Management Company.
2. **Second notice**, sent to owner for continued uncorrected violation, with notice that monetary penalties may be assessed if violation continues.
3. **Third notice**, informing owner of a hearing before the Board of Directors as provided in the governing documents, allowing said owner to present their argument either in person or in written form. The Board shall, in closed session, decide as to any penalties and shall inform the owner in writing of its decision.
4. **Any continued violations**, after a hearing has been held, may result in additional penalties and sanctions against said owner and/or tenants of the unit, as provided in the governing documents, to include legal action through the Association's legal counsel – costs of which may be levied against the owner and property.

## **SCHEDULE OF MONETARY PENALTIES:**

First time violations shall be levied in accordance with the following penalty schedule:

Hazardous Activities (risk of harm to person or property)	\$150.00
Use restrictions	\$ 75.00
Vehicle/parking restrictions (automatic fines)	\$ 75.00
Unauthorized improvements to property	\$ 75.00
Violation of the CC&R's, Bylaws or Rules and Regulations	\$ 75.00
Not cleaning up after your pet	\$ 75.00

Monetary penalties shall be in addition to expenses levied to reimburse the Association for costs associated with disciplinary action, with penalties for continuing or repeated violations assessed in \$75.00 increments at the discretion of the Board. Failure to pay penalties or to pay for damages may result in legal action with all costs associated to be paid by the violating owner. All owners are ultimately responsible for any violations incurred by their unit by tenants or guests.

## **GENERAL RULES:**

1. **ALL PERSONS USING ANY FACILITIES WITHIN DAYBREAK LA MESA DO SO AT THEIR OWN PERSONAL RISK.** Daybreak La Mesa Property Owners Association assumes no liability for such use, whether by residents, guest, or visitors. Any guest using the pool facilities **MUST** be accompanied by a resident – with the current ID tag.
2. Damage or destruction of any property is punishable by law. Any witness to such actions are asked to report it immediately to the Management Company or the La Mesa Police Department.
3. **No illegal activities are allowed within the condominium complex,** including, but not limited to the sale, possession, or cultivation of illegal narcotics, illegal use, sale, or possession of other narcotics, and use of alcoholic beverages by minors. **VIOLATORS WILL BE PROSECUTED!**
4. All trash shall be in sealed bags placed in the trash dumpster in the alley nearest to their unit. Boxes must be broken down and also placed inside the dumpster - lids and enclosure doors are to be closed upon leaving. Persons leaving debris outside the dumpster will be subject to a cleanup fee.
5. **NO TOXIC MATERIALS (paint, oil, antifreeze, etc.), UNWANTED FURNITURE, APPLIANCES, EQUIPMENT, CARPET OR HOUSEHOLD GOODS MAY BE PLACED WITHIN THE TRASH ENCLOSURES.**
6. Quiet hours will be observed between 10:00 P.M. – 8:00 A.M. Inordinate noise at any time is not allowed (pets, music, TV's, vehicles). Violators will be reported to the La Mesa Police for City Code enforcement. The use of power tools is restricted to the hours of: 8:00 a.m. - 5:00 p.m. weekdays and 10:00 a.m. – 4:00 p.m. week-ends. **RULE OF THUMB:** nothing shall be done that interferes with the quiet enjoyment of other residents.
7. For Sale and Open House signs are prohibited within the Common Area, except on Saturday, Sunday, and Holidays between the hours of 10:00 a.m. – 4:00 p.m., unless written consent of the Board is obtained. However, such signs are allowed to be placed on the **inside** of a unit's windows.
8. Changes of ownership or occupancy of any unit Daybreak La Mesa must be reported to the Management Company within ten days, to include: name, telephone number and address of resident/tenants. Any transfer fees, including Association documents, delinquent fees, or assessments, will be paid prior to the close of escrow in order to bring the unit to full compliance with the Association.
9. Garage sales are not permitted, except as stipulated in the governing documents.

## **PETS:**

Residents are allowed only two (2) pets unless written permission is obtained from the Board of Directors. Dogs must be on a leash and kept under control at all times within the Common Area and shall not disturb the peaceful enjoyment of others or pose a threat to other residents or other pets. Pet owners are required to clean up after their pets and properly dispose of litter. Do not dispose of pet waste at the mailbox area trash can. **Pets are not allowed in the pool/spa area.**

## **POOL AND SPA:**

**Pool hours are: 8:00 a.m. – 10:00 p.m./ Monday thru Sunday.**

**Use of the pool is restricted to residents of Daybreak and their guests. Guests may not use pool/spa area without resident in attendance. Any resident using pool/spa facilities must have their pool fob issued by the Association.**

No unit may have more than four (4) guests at the pool/spa without prior board approval. Keys and fobs may not be loaned or duplicated. Replacement of lost keys or fobs may be made through the Management Company at a cost of \$25.00/key and \$100.00/fob.

**The Association does not provide lifeguard service and persons using the pool/spa facilities do so at their own risk.** Good conduct is expected at all times and all persons are required to respect the rights of others using the facilities and not create a nuisance or interfere with their quiet enjoyment. No dangerous activities, including diving and/or jumping into the pool or spa are permitted.

Persons under 14 years of age must have an adult (18 years or older) in attendance when using pool/spa facilities (State Law).

No person shall use the pool or spa while either intoxicated or having an infectious disease. Persons with shoulder length or longer hair shall have their hair contained (rubber bands or bathing caps are suggested). Proper swim attire must be worn by all persons using the pool or spa (street clothes are not permitted). Bathers should shower prior to using pool/spa and wear footwear when in transit to the area. All incontinent persons shall wear a diaper covered with plastic pants when using the pool or spa.

**Food and smoking are not permitted** within the pool/spa areas. Drinks must be in unbreakable containers. **NO GLASS IS ALLOWED IN THE POOL/SPA AREAS.** No pool recreation equipment is allowed in the pool/spa areas. Swimming and safety aids (such as water wings or life vests) are allowed.

Pool gates shall be kept closed at all times and no person shall gain access by climbing over the fence. Furniture shall not be abused or removed.

**Pets are not allowed within the fenced area of the pool or spa.**

In the event the pool is occupied upon arrival of the pool maintenance crew, residents and guests are requested to cooperate by temporarily vacating the pool or spa during the cleaning period.

## **COMMON AREA:**

Residents and guests are not allowed to play in the street and should be reminded not to create a nuisance to other residents. Skateboards are not allowed anywhere in the complex. Tricycles, scooters, and roller skates/blades are allowed in the alleys or on sidewalks only. Bicycles are allowed in streets and alleys only. No vehicular traffic is allowed in the landscaped areas. No activity that endangers safety or impedes traffic flow is allowed.

No batting of balls is allowed within the Common Area, or against garage doors or trash enclosures.

Residents may not place or plant any landscaping items in the Common Area without written permission by the Board of Directors. Water hoses may not be left outside a unit's garage. No personal items, including shopping carts, are to be stored in the Common Area.

No smoking is allowed in the common areas. Residents may not allow smoke from their unit to travel into other units which the Board considers a hazardous activity.

## **PARKING AND STREETS:**

No vehicle may be operated in an unsafe manner and must observe the posted speed limit. All motor vehicles must be operated by a licensed driver, have current registration tags, and not create a nuisance from either noise or operation.

Parking is not allowed in the streets except:

- loading or unloading when moving into or out of a unit
- temporary loading/unloading of a vehicle
- commercial vehicles making deliveries or repairs
- a contractor performing work at a unit

As posted throughout the community, no parking is permitted in the alleys/driveways. The garage door must be kept closed when not in use. However, the following activities are permitted, provided someone remains with the vehicle at all times:

- washing of vehicles
- temporary loading/unloading
- commercial vehicles making deliveries or repairs
- working within the garage

The law requires that alleyways/driveways be kept clear at all times for ingress and egress of emergency vehicles. Unattended vehicles parked in the alleyways/driveways may be towed or fined without additional notice.

No commercial or recreational vehicles may be parked in the Common Area. Vehicle repair is not allowed in the garages or in the Common Area, except for emergencies.

Daybreak has limited parking in the community for the convenience of visitors. Residents may not park in Visitor parking at any time. Violators may be cited and towed. For the purpose of parking enforcement, vehicles parking in a visitor space for three consecutive days/nights or seven days/nights within a month will be considered a resident and may be towed after notification. Qualified residents requiring additional parking may request a "Reserved Parking Space" from the Association. Residents obtaining a Reserved Parking Space will be billed the then existing monthly rate by the Management Company. Reserved parking spaces leases may be cancelled at any time for repeated parking violations. Recreational Vehicles may not be parked in leased spaces, reserved spaces, or visitor parking at any time. Any change to an approved request must be notified to Management immediately. No recreational vehicles are allowed to be parked in any visitor, assigned, or leased spaces.

### **PARKING PERMITS**

Visitors parked in Visitor parking for more than three (3) consecutive days/nights or seven (7) days/nights within a month must obtain a temporary parking permit from the Management Company ("Visitors Parking Permit") and display it on the dashboard for the duration of their stay. Visitor Parking Permits are valid only for the dates issued. Special requests may be considered by the Board upon written submission to Management. Any change to an approved request must be notified to Management immediately. Visitors who do not have a Visitor Parking Permit displayed on their dashboard and are parked in Visitor parking for more than three (3) consecutive days/nights or seven (7) days/nights may be cited and towed.

## **DAYBREAK LA MESA - PARKING POLICY**

As part of the Board's fiduciary duty, Board members take a proactive approach to enforce Association rules for the betterment of the community. This may involve taking pictures to validate a violation. Pictures of parking violations will be taken at the time the vehicle is in violation.

### **VIOLATION**

Vehicles parked in red zones or fire hydrant zones

Vehicles parked in fire lanes or impeding fire truck access

Vehicles parked without a temporary Parking Permit in visitor parking for more than (3) consecutive days/nights or (7) days/nights within a month will be considered a resident and may be towed after notification

Residents Parked in Visitor Parking

Unattended Vehicles Parked in Driveways/Alleyways

Vehicles parked in Mail Only space

Overnight parking of commercial vehicles or trucks larger than ½ ton

Vehicles with flat tires

Working on vehicle, changing oil in common areas

Vehicles leaking fluids onto Common Areas

Vehicles on jacks, blocks, or other lifting devices

### **PENALTY**

Not permitted/Immediate tow

Not permitted/Immediate tow

Not permitted, may be fined and towed

Cited once, then fined/towed

Not permitted/Immediate fine/tow

Not permitted/Immediate fine/tow

Not permitted/Immediate fine/tow

Cited once/Towed after three (3) days

Prohibited/Homeowner liable for damages

Prohibited/Homeowner Liable for damages

Not permitted/ Immediate fine/tow



## **ADMINISTRATIVE:**

The general rules of parliamentary procedure will be used to govern all procedures of the Board as set forth in the CC&R's and Bylaws of Daybreak La Mesa.

The Board may adopt such rules as it sees fit on a tentative basis which shall be effective and enforceable immediately as "Proposed Rules".

The Board of Directors shall meet monthly on the third Wednesday of the month at 6:30 p.m. at a location to be posted on the bulletin board. The meeting will automatically adjourn at 8:30 p.m., unless a motion to continue is passed. Meetings are open to homeowners, except for Executive Session, which is closed for the discussion of personal matters related to judicial actions. Persons wishing to address the Board regarding a matter must contact the Management Company to be put on the agenda and are limited to a five(5) minute discussion period to avoid lengthy meetings. Remember that Board members are volunteer homeowners – so please do not request to discuss an item which may be easily resolved by contacting the Management Company.

All requests and recommendations must be in writing and submitted to the Management Company for presentation to the Board for the respective committee action.

The bulletin board located at the mailboxes is restricted for use by Daybreak residents and Board use only. No advertising or commercial use is allowed.

## **ARCHITECTURAL:**

No alterations may be made to the exterior of a unit without written permission by the Board of Directors. Requests must be submitted, in writing, through the Management Company. Damage to exterior stucco or wood surfaces resulting from alterations will be the responsibility of the homeowner. This includes the areas inside each unit's patio as well as the Common Area.

Windows shall not be covered with foil, newspaper, sheets, etc. Mirrored or highly reflective glass is not allowed.

All patios, gates, doors, windows, and screens are the responsibility of the homeowner and shall be kept in good condition, and each homeowner shall maintain the same color scheme as throughout Daybreak. Color codes for paint are available upon request. Per the CC&R's, patios may only have patio related furniture – nothing of which shall extend above the level of the patio wall. A reasonably sized patio umbrella consistent with the color scheme of Daybreak may extend reasonably above the height of the patio wall but not beyond the patio wall. No potted plants shall be placed on second floor patio walls or in the common area – only front patio walls. All plant containers on patio walls shall be of a natural color which is consistent with the color scheme of Daybreak, and each must have a water-containing saucer underneath to prevent damage to or staining of surfaces. Soil within the planting areas of patios must be no higher than the concrete, and all drains are to be kept in good repair to allow for proper drainage.