

**SOUTH PARK  
HOMEOWNERS  
ASSOCIATION**

[www.southparkhoa.org](http://www.southparkhoa.org)

**RULES AND REGULATIONS**

REVISED AUGUST 2016

**Keep this Book**

*It is a REFERENCE SOURCE*

Visit our website at  
[www.southparkhoa.org](http://www.southparkhoa.org)

**PDF Documents available for download:**

**Architectural Modification Form  
New Front Door Guidelines  
New Style Replacement Garage Door Guidelines  
Replacement Window Guidelines  
Parking Permit Application Form  
RV Lot Application Form  
Clubhouse Rental Form**

**Remember:**

**Spring Cleaning  
Usually in April**

**&**

**After-Christmas  
Tree disposal times  
(currently the week after Christmas)**

**Observe  
Safe Speed  
Limit in the  
Complex**

**15  
mph**

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The obligation of all residents is to be reasonable and respectful of neighbors. What people do or leave outside their home affects their community's lifestyle and property value. That is the criteria the board will use in its enforcement effort.

## **1. Association Documents**

The South Park Homeowners Association is governed by four documents:

Articles of Incorporation

Bylaws

Covenants, Conditions, and Restrictions (CC&R's)

Association Rules

The Board of Directors is given the responsibility to make and enforce such rules and regulations as it may deem proper respecting the use of the Common Areas, the Common Facilities and the personal conduct of the members of the Associations, tenants and their guests.

The Association Rules, established by the Board of Directors, expand on the other three documents and provide a ready reference to items of common interest. The Articles of Incorporation, Bylaws and CC&Rs should be consulted for details about items in this booklet plus information about matters not addressed herein. CC&R's Section 3.08 & 3.09.

## **2. South Park Service and General Information**

The following procedures should be used to contact Community Management Services, Inc. (CMS).

Normal Business Hours: Monday - Friday 8:30am to 5:00 pm.

Phone: CMS at 408-559-1977

Email: [cs@communitymanagement.com](mailto:cs@communitymanagement.com) or refer to the newsletter for current property manager.

Customer Service representatives at CMS can handle routine requests. If necessary they will forward your call to the property manager.

When calling identify yourself and the property (South Park). Clearly and concisely state the problem and the address nearest to the problem. Emergencies will receive immediate attention and routine maintenance will be handled as appropriate.

After normal business hours: 408-559-1977. If it is an emergency call the emergency number given in the recording. This number changes periodically so listen to the recording to obtain the current number. If it is not an emergency the problem will be handled the next business day.

Electrical, Water and Sewer service is provided by:

Santa Clara Municipal Utilities (www.SantaClara.gov)  
1500 Warburton Avenue  
Santa Clara, CA 95050-3713  
408-615-2300

Garbage disposal service is provided by:

Mission Trail Waste Systems  
1060 Richard Avenue  
Santa Clara, CA 95050-2816  
408-727-5365

Recycling service is provided by:

Recology South Bay  
650 Martin Avenue  
Santa Clara, CA 95050-2914  
405-588-7200

Household Hazardous Waste Program  
408-299-7300  
<https://www.sccgov.org>

Santa Clara Police Department  
Emergency: 911  
Non-Emergency: 408-615-5580

Wildlife Center (dead squirrels, etc.)  
408-929-9453

Silicon Valley Animal Control Authority  
408-764-0344

### **3. Monthly and Annual Board Meetings**

- South Park Board of Directors meetings are held on the third Tuesday of each month in the Clubhouse beginning at 6:30pm. Homeowners are welcome to visit the meeting and open forum is available at 6:30pm for issues or comments that may be brought to the attention of the Board. An agenda is posted in the clubhouse four days prior to the meeting.
- The Annual Membership meeting is held on the third Tuesday of March each year. An agenda is posted in the clubhouse four days prior to the meeting. It is important that all homeowners attend so that all business which must be brought before the general

membership can be discussed and the necessary action taken. If a homeowner is unable to attend it is imperative that a proxy be submitted. Bylaws Article V, Section 601-5.10.

#### **4. Monthly Dues and Special Assessments**

- Regular dues assessments are necessary to maintain the common areas of the complex and for general operating expenses. There are three categories of assessments.
- Monthly Assessments (Dues): Covers the operating expenses to maintain the common areas and to reserve funding for capital improvements.
- Special Assessments: Required when an unforeseen expense occurs and could not be sufficiently funded by the regular assessments.
- Special Individual Assessments: These include parking permits for the RV lot or visitor parking areas. Also included are Fines levied against a homeowner as a result of rule violations.

Monthly Dues billings are sent out approximately the third week of the month. They are due on the 1st of the following month. Past due payments will incur late and interest fees. Payments require 5-7 business days, including mailing time, to post to the assessment accounts. Any questions should be directed to Property Manager at CMS regarding the assessment amounts billed or if the bill is not received.

Monthly Dues may be paid electronically. Contact the Property Manager at CMS for instructions. CC&R's Article IV.

#### **5. Insurance**

The South Park Homeowners Association does not have a master insurance policy for the units in the complex. Each homeowner may wish to carry fire, theft, flood, earthquake, etc. Homeowners without coverage must pay for repairs themselves. Failure to make necessary repairs will result in the Association contracting the work with subsequent billing to the homeowner. CC&R's (Article XI, Section 11.03).

#### **6. Water/Sewer Service/Electricity**

- All exterior and interior water is provided by the Homeowners Association. Service to the units will only be shut off in case of an emergency. Residents will receive a 2-day notice for planned shut offs. CMS can provide the Water Shutoff Procedure to residents who need to have a plumber replace your outside water Shutoff valve.
- All residents must adhere to all government (City, County, State and Federal) laws, regulations, mandates and rules. Failure to comply may result in fines assessed by the

government on the HOA as a whole. These fines can be passed on to the offending owner. In addition to a government fine the HOA may also assess fines separately.

## **7. Garbage And Recycle Disposal**

- Currently both garbage and recycle bin pick up day is Monday. All bins should be put out on Sunday away from the garage door downspout and water valves. Each resident is responsible for obtaining said bins from Santa Clara Utilities. Follow the rules as published by the utility department.
- Guidelines for accepted recycled items are available at <https://.santaclara.ca.gov> or calling Recology South Bay at 408-970-5100.
- Guidelines and a listing of hazardous waste materials and disposable regulations are available at <https://www.sccgov.org>. Appointments or general information are available at the website or by calling 408-299-7300.

## **8. City Sponsored Spring Clean-Up**

- The City of Santa Clara operates the annual spring cleanup program. The schedule and information on types of items allowed will be included in your utility bill in December for the following year or [www.santalclaraca.gov](http://www.santalclaraca.gov)

## **9. Common Areas**

- Each Homeowner has a vested interest in the Common Areas. With that vested interest comes the same Pride of Ownership and care that you and your family give to your own home. The Common Areas are for the relaxation and visual enjoyment of the residents of South Park. No personal items can be permanently placed in the Common Area.
- The Common Areas are those areas outside of your lot as indicated on the major site plot plan. These include the hard surface streets, courts and the landscaped areas. Nothing may be altered or constructed in, or removed from, the common areas except upon written consent of the Association. CC&R's (Article VIII, Section 8.02).
- Residents and their guests should refrain from lawn damaging activities or potentially hazardous activities in/on the Common Areas. This include but are not limited to bicycle riding, skateboarding, roller-skating, or sport activities that would damage the landscaped area. These activities are permitted on the hard surfaced common areas, i.e., streets and courts.
- Common Areas may not be used for repairing vehicles. CC&R's (Article IX Section 9.16,a).

## **10. Pets**

The Santa Clara City Code Chapter 630 governs the ownership of pets and the Silicon Valley Animal Control Authority, along with the Santa Clara Police enforces these ordinances.

- Contact the Santa Clara Police non-emergency number to report barking dogs.
- Dogs must be leashed and attended at all times when not within the confines of our unit.
- Pet owners are required to pick up after their pets' waste and dispose of it in a sanitary manner.
- No food shall be left outdoors overnight, i.e. on patios, etc. This draws unwanted wildlife such as raccoons, opossums, squirrels, etc.
- Any animal deemed dangerous may be removed in accordance with state, county or city law, ordinance or regulation. CC&R's (Article IX, 9.07).

City of Santa Clara non-emergency number: 408-615-5580

Silicon Valley Animal Control Authority: 408-764-0344

## **11. Parking**

The parking rules of South Park are developed to ensure required access by public safety vehicles, to assist in not detracting from the beauty of South Park and to provide parking locations for residents' guests. Violation of these rules may result in being towed at owner's expense.

- Unattended vehicles cannot be parked in front of garages.
- Vehicles parked on South Park Lane driveways cannot extend beyond the curb line at the end of the driveway.
- Vehicles cannot be repaired or restored on South Park Lane driveways or roadways of South Park except for minor or emergency repair.
- South Park Lane and the courts are designated Fire Lanes. Parking is not allowed in these areas.
- Vehicles which are noisy, smoky, generally unsightly, leaking fluids, abandoned, non-operational, non-current DMV registration tags are not allowed to park in South Park parking areas,
- Recreational vehicles, boats, trailers, jet skis, buses, commercial vehicles and moving trucks, etc. may not park overnight on South Park roadways.



## **12. Recreational Vehicle Lot**

- Residents that wish to park a recreation vehicle in the South Park RV Lot must apply for a permit. Forms are available at [www.southparkhoa.org](http://www.southparkhoa.org) or by calling CMS. Completed forms must be submitted to the property manager for inclusion in the next Board of Directors monthly meeting. There is a monthly fee.

## **13. Resident and Guest Parking**

South Park has 58 spaces in the 12 visitor parking areas.

Residents are not allowed to park in the lots on South Park Lane except under special circumstances and only with a permit authorized by the South Park Board of Directors. Forms are available at [www.southparkhoa.org](http://www.southparkhoa.org) or by calling CMS. Completed forms must be submitted to the property manager for inclusion in the next Board of Directors monthly meeting. There is a monthly fee.

- More than two residents reside in the home with three or more vehicles.
- Owners on South Park Lane are not eligible for a parking permit as they have four parking spaces available
- Vehicles too tall or too long to fit in the garage excluding RV's
- Residents may request a visitor parking permit for frequent visitors or disabled residents.
- Overnight guest vehicle parking is limited. Contact Community Management Service for visitor short term temporary accommodation.

## **14. Garages**

- Garages should be used for vehicle parking. Repairing or restoring of any vehicles is not allowed except for minor or emergency repairs. CC&R's (Article IX Section 9.16,a).
- No activity shall take place in a garage that would cause annoyance, including the extended use of power tools or other machinery.
- Replacement of garage doors must confirm to the architectural guidelines. A permit must be approved by the Board of Directors. Forms and guidelines are available at [www.southparkhoa.org](http://www.southparkhoa.org) and by calling CMS.
- Garages are not to be converted for any type of living quarters CC&R's, (Article VIII, Section 8.03).

## 15. Clubhouse

- The clubhouse, located at 2451 South Park Lane, is available for general use by the membership. There is a use fee along with a refundable deposit provided the space is in the same condition as when rented. The rental form and all applicable rules are available at [www.southparkhoa.org](http://www.southparkhoa.org) or by contacting CMS.
- Resident renters may rent the clubhouse; however, the application form must be signed by the property owner.
- Non-resident owners may not rent the clubhouse. CC&R's (Article II Section 2.02.a).
- The pool is not available for rent.

## 16. Pool

Pool rules are prepared by the South Park Board of Directors and supersede all previously published rules. Residents are requested to enforce these rules and to report all major violations to CMS. For emergency or security situations call the Santa Clara Police at 911 (emergency) or 408-615-5880 (non-emergency).

These rules apply at all times inside the fenced pool area. Violations of pool rules may result in fines and/or suspension of pool privileges.

## 17. General Pool Information

- **Access:** The Association reserves the right to deny entry to the pool area to anyone at any time. One gate key is provided to each owner by the CMS manager free of charge. Replacement keys are provided for non-refundable fee of \$25.00.
- **Food:** All food remains/containers/packaging must be cleaned up and put in the available trash bin or recycle bin. No food, etc. will be left in the pool area.
- **Guests:** Only two guests per family are permitted at one time and they must be accompanied by their resident host.
- **Heating:** Normally Memorial Day through Labor Day.
- **Hours:** Summer Schedule: 7am to 10pm  
Winter Schedule: 7am to 5pm
- **Laps:** For adults (18 and older) wishing to swim laps please utilize the North side of the pool away from the stairs where children play. All non-adults are requested to stay out of this area and avoid disturbing people swimming laps.

- **Noise:** Screaming, shouting and loud talking is prohibited. This disturbs not only others using the pool but also neighboring residents. No loud playing of radios, iPods, etc.
- **Oils:** Oily and /or greasy lotions should be avoided.
- **Pets:** All pets are prohibited.
- **Showers:** A warm shower is available and should be used prior to entering the pool
- **Toilet:** The pool bathroom is available during pool hours.
- **Trash:** Utilize the trash and recycle bins in the pool area.

## 18. **Pool Safety**

- **Activities:** Running, pushing, bike riding, skateboarding, general rough-housing, etc., is prohibited.
- **Capacity:** 36 persons maximum
- **Children:** Children under 14 years of age must be accompanied by a responsible adult 18 years or older (California Law). Parents must ensure their children abide by all rules.
- **Equipment:** The following safety equipment must remain stored on the wall above the clubhouse window and instant access in the event of an emergency.
  1. Life ring (donut) with long life line.
  2. Life Hook (hoop) with long pole
- **Games:** Combat or dunking type games that are potentially dangerous to the participants or to others in or about the pool is prohibited.
- **Gate:** Pool gate must be closed after each entry and exit. No alterations of the gate is permitted.
- **Glass:** No glass or breakable objects are permitted.
- **Lifeguard:** No lifeguard is on duty at any time.
- **Risk:** All persons who use the pool are area inside the pool fence do so at their own risk.
- **Toys:** Toys that (due to their emissions, size or weight) create a hazard or nuisance to other people are prohibited in the pool area. An exception are those used by infants or toddlers.

## **19. Security**

Security is every resident's responsibility. South Park is a member of the Santa Clara Police Department's Neighbor Watch program. The Police Department encourages every resident to call them if needed. Quiet time for the complex is 10pm.

- In case of critical, life endangerment or a major violation of California law call 911.
- For other security issues such as loud music, parties past 10pm and suspicious activity, etc. call the Police Department's non-emergency number 408-615-5580.

## **20. Architectural Guidelines**

The purpose of the Architectural Guidelines is to maintain aesthetic consistency, quality of life and property values at South Park. In the context of these guidelines, Unit means townhouse, homeowner means the deed owner of the unit and the Board is to mean The Board of Directors of South Park Homeowners Association.

### **Authority:**

The Board of Directors has the power to develop and enforce Architectural Guidelines in accordance with the CC&R's, (Article VIII, Section 8.01c).

### **Alterations to Units:**

- Any proposed alteration affecting the exterior of a unit in any way must be submitted to the Board by the homeowner for approval. CC&R Section 8.01a. The submission should include the complete details of the proposed alteration as outlined on the website [www.southparhoa.org](http://www.southparhoa.org). Forms and all supporting documentation will be submitted to the property manager at CMS for inclusion for the Board's monthly meeting. The Board must respond within 45 days CC&R's, (Article VIII Section 8.01b).
- The homeowner is responsible for obtaining any and all permits required for any proposed alteration to a unit upon Board approval and before commencing work. CC&R's (Section 8.01.d).
- No alteration, excavations, construction, installation or improvement of any kind shall be made to the Common Area without written consent of the Board. CC&R's (Article VIII Section 8.02.a).

### **Maintenance of Units:**

- The homeowner must keep in repaired condition the structural exterior of the unit, exclusive of the roofs, gutters and downspouts including but not limited to window glass,

wood siding, stucco, wood trim, light fixtures excluding the front garage light, walkways, fences, fence posts and masonry walls.

- The homeowner is responsible for maintaining the unit in safe and orderly condition free from hazard such as hoses, debris, etc.
- Sporting and athletic equipment may not be stored or left in the common area when not in use.

### **Common Area Appearance Standards:**

- Garbage and Recycle bins must be stored in a safe place out of view from the Common Area except on Mondays which is the city pick up day.
- No storage sheds or items stored on the lot may be visible from the Common Area including but not exclusive to the front or back patio, balconies and walkways.
- No animal may be tethered at a unit in such a way as to gain access to the Common Area or pose a hazard to other residents or guests.
- Pet owners must clean up after their pets in the Common Area and their lots. This is also a City of Santa Clara ordinance.
- Windows may have, either no window treatment, draperies or blinds. Reflective materials or makeshift window coverings are not acceptable.
- The only signage allowed at South Park is a For Sale sign. The signs may be no larger than five (5) square feet and may be displayed only in the windows. No ground installed posts are allowed. CC&R's (Article IX Section 9.08).

### **Masts and Antennas:**

- Masts, towers, poles, antennas, satellite dishes or outside television antennas may not be installed at any unit without prior approval from the Board.

## **21. Landscaping**

- Our landscaping is one of the main attractions of South Park. We are based on 32 acres with approximately 600 trees and 600,000 square feet of lawn. Maintaining the aesthetic value and the health of the landscape is an ongoing process.
- Feeding of wild animals including, but not limited to, squirrels is prohibited.

- No resident may plant any shrub, tree, flower, etc. in any Common Area without first obtaining approval from the Landscape Committee. This is to prevent inappropriate planting which may create future maintenance problems or unduly increase landscape expenses.
- All dead trees and/or shrubs in the Common Area will be removed at association expense. Appropriate new trees and/or shrubs may be planted at association expense in the Common Areas which have installed watering systems in place.
- The association may plant trees, flowers or shrubs in non-irrigated areas provided the homeowner agrees to water these plantings.
- Homeowners with trees, etc. on their property are responsible for the care and/or removal of these plantings.
- Trees in the patio area may not exceed the second story roof line. Trees should be consistently maintained and should not be in contact with the roof, gutters, or building exteriors. No shrubbery, ivy or vines should protrude through fences, encroach on neighboring units nor be in contact with the building exteriors.

## **22. Maintenance Responsibilities**

Maintenance responsibilities are delineated in the CC&R's, (Article VI, Section 6.01(a)). Some include, but are not limited to, the following:

### **Association:**

- Maintenance, repair and replacement of roofs, roof flashing, roof sheathing, gutters, downspouts, building vents, roof vents and roof jacks.
- Provides exterior painting of unit, trim, garage doors, patio fence exteriors, balcony railings, entry doors and storage doors.
- Provides window caulking as part of the exterior painting process.
- Maintain all common area plantings with the exception of non-irrigated areas where the homeowner agreed to water.
- Maintain and replace the exterior lighting and fixture mounted on the front of garages.

### **Homeowner:**

- Maintenance, repair and replacement of wood siding, barge rafters, wood trim, stucco, entry doors, garage doors, balcony decks and other structural repairs. CC&R's (Article VI Sections 6.01),( Article XII Section 12.01).

### **23. Rule Enforcement Policies on Infractions**

- The Board of Directors may enact and amend rules of general application to the owners, tenants and guests within the property. Such rules may concern but need not be limited to, matters pertaining to use of the Common Areas and Common Facilities, signs, collection and disposal of refuse, minimum standards of maintenance of landscaping, improvements to any lot, safety, security, the keeping of household pets on lots and any other subject or matter that is within the jurisdiction of the Association as provided in the Bylaws and CC&R's of the Association. Bylaws (Article VI, Section 6.05); CC&R's (Article III, Section 3.08).
- In the event of a breach of any rule or restriction by an owner, his or her household guests, employees, invitees, licensees or tenants, the Board for and on behalf of all other owners shall enforce the obligations of each owner to obey the rules or restrictions in any manner provided by law. In addition to other remedies, the Board, by vote of a majority of a quorum, may levy a fine against such owner, after appropriate notice and the opportunity for a hearing is provided to the owner. The Board is also chartered to implement schedules of fines and penalties as part of its general rulemaking power. CC&R's ( Article III Section 3.09 and Article XIV Section 14.06).

### **24. Fine Schedule**

#### **Architectural Control Guidelines**

<b><u>A. Unapproved Exterior Modifications</u></b>	1st Offense	Additional Offenses
1. Air Conditioners	\$50	\$100
2. Skylights		
3. Security Iron Bars		
4. Front Doors		
5. Fence, gate and patio alterations		
6. Exterior Wiring		
7. Exterior Lighting		
8. Antenna, tv dish, flagpole		
9. Garage door trim		
10. Other building changes		

  

<b><u>B. Visual Treatments</u></b>	1st Offense	Additional Offenses
1. Items Stored in Common Area	\$50	\$100
2. Items on lots visible from Common Area		
3. Building contact by bushes, trees and vines		
4. Planting in Common Area plus Cost of Replacement		

5. Items visible above patio fence exclusive of standard patio equipment, i.e., umbrellas and canopies not attached to the building
6. Garbage and Recycle bins visible from the Common Area except the day before and day of pickups.
7. Windows with unauthorized coverings
8. Real Estate Signage (allowed in windows only)
9. Any construction in the common area plus cost of removal

<b>II. <u>Maintenance Guidelines</u></b>	1st Offense	Additional Offenses
1. Wood siding, trim, etc needing repair	\$50	\$100
2. Broken window/torn screen		
3. Storage/utility door needing repair		
4. Light fixture needing repair		
5. Fence/post/gate needing repair		
6. Damage to Decratile Roof plus cost of repairs		
7. Stucco wall needing repair		
8. Driving on freshly sealed streets plus cost of repair		

<b>III. <u>Safety Hazards</u></b>		
1. Displaced concrete on owner's lot	\$50	\$100
2. Protrusions from buildings		
3. Property and Equipment posing a trip hazard		
4. Excess water runoff from lot		
5. Household hazardous waste		
6. Parking hazards, i.e., between buildings, in walkways or anywhere in the Common Area		
7. Exposed or improper wiring		

<b>IV. <u>Violation of General Rules</u></b>	1st Offense	Additional Offenses
1. Operation of a retail business on lot	\$50	\$100
2. Illegal parking in front of garages on courts	\$50	\$100
3. Failure to clean up after pet	\$50	\$100
4. Pets tethered in Common Area	\$50	\$100
5. Pets loose on property	\$50	\$100
6. Noise complaints resulting in a police action	\$50	\$100
7. Riding bikes on lawn	\$50	\$100
8. Violation of any pool rules	\$50	\$100
9. Any noxious activity constitution a nuisance	\$50	\$100
10. Any vehicle speeding inside the complex, exhibition of speed or reckless driving	\$250	\$500
11. Lease of Townhomes cannot be for less than 30 days and the lease must be in writing.	\$250	\$500





