

MT CSD

BEFORE THE BOARD OF DIRECTORS OF THE MOUNTAIN HOUSE  
COMMUNITY SERVICES DISTRICT, COUNTY OF SAN JOAQUIN, STATE OF  
CALIFORNIA

RESOLUTION NO. 2005- 706

RESOLUTION AUTHORIZING THE ENFORCEMENT OF MASTER  
RESTRICTIONS SETTING FORTH COVENANTS, CONDITIONS, AND  
RESTRICTIONS WITHIN THE MOUNTAIN HOUSE COMMUNITY SERVICES  
DISTRICT SPHERE-OF-INFLUENCE

WHEREAS, the Mountain House Community Services District (MHCS D) has the right, but not the duty, pursuant to Government Code section 61601.10 to enforce private covenants, conditions and restrictions adopted for property within the boundaries of the MHCS D Sphere-of-Influence, and to exercise the duties of architectural control as adopted in such Master Restrictions setting forth covenants, conditions and restrictions; and

WHEREAS, the Local Agency Commission of San Joaquin County granted these powers to the MHCS D upon its formation as confirmed in the Certificate of Completion recorded on May 20, 1996 in the Official Records of San Joaquin County as Document No. 96052700; and

WHEREAS, it is feasible, economically sound, and in the public interest that MHCS D enforce the covenants, conditions, and restrictions within its boundaries and within its Sphere of Influence as territory is annexed to the MHCS D;

NOW, THEREFORE, BE IT RESOLVED that the MHCS D hereby assumes the responsibility for the enforcement of the private covenants, conditions and restrictions, known as the Master Restrictions, adopted for property within the boundaries of the MHCS D, and to exercise the duties of architectural control as provided in such covenants, conditions and restrictions.

BE IT FURTHER RESOLVED that the MHCS D assumes the aforesaid responsibilities and duties for each existing and future tract within its boundaries as its boundaries may be changed from time to time resulting from annexations of territory within the MHCS D Sphere-of-Influence.

**R-05-706**

BE IT FURTHER RESOLVED THAT the General Manager is directed to implement this resolution and give the Board of Directors an annual report.

PASSED AND ADOPTED this 13th day of Dec., 2005, by the following vote of the Board of Directors of the Mountain House Community Services District, to wit:

AYES: **ORNELLAS, MOW, SIEGLOCK, MARENCO, GUTIERREZ**

NOES: **NONE**

ABSENT: **NONE**

**STEVEN GUTIERREZ**

**STEVEN GUTIERREZ, PRESIDENT**  
Board of Directors of the Mountain  
House Community Services District,  
County of San Joaquin, State of  
California

ATTEST: **LOIS M. SAHYOUN**  
Secretary of the Board of Directors  
of the Mountain House Community  
Services District, County of San Joaquin,  
State of California

By: **AIDA PIZANO**



BEFORE THE BOARD OF DIRECTORS OF THE MOUNTAIN HOUSE  
COMMUNITY SERVICES DISTRICT, COUNTY OF SAN JOAQUIN, STATE OF  
CALIFORNIA

RESOLUTION NO. 2005- 707

RESOLUTION APPROVING THE "RULES AND REGULATIONS FOR THE  
MOUNTAIN HOUSE COMMUNITY" FOR THE MASTER RESTRICTIONS  
SETTING FORTH COVENANTS, CONDITIONS AND RESTRICTIONS

WHEREAS, the Mountain House Community Services District has assumed the responsibility for the enforcement of the Master Restrictions setting forth covenants, conditions, and restrictions, and has assumed the duties of architectural control; and

WHEREAS, it is necessary to have rules and regulations to govern the implementation of the Master Restrictions setting forth covenants, conditions, and restrictions;

NOW, THEREFORE, BE IT RESOLVED that this Board of Directors does hereby adopt the "Rules and Regulations for the Mountain House Community", copies of which are on file with the Secretary of the Board of Directors and the General Manager.

PASSED AND ADOPTED this 13 day of Dec., 2005, by the following vote of the Board of Directors of the Mountain House Community Services District. to wit:

AYES: **ORNELLAS, MOW, SIEGLOCK, MARENCO, GUTIERREZ**

NOES: **NONE**

ABSENT: **NONE**

**STEVEN GUTIERREZ**

**STEVEN GUTIERREZ, PRESIDENT**  
Board of Directors of the Mountain  
House Community Services District,  
County of San Joaquin, State of  
California

ATTEST: LOIS M. SAHYOUN  
Secretary of the Board of Directors  
of the Mountain House Community  
Services District, County of San Joaquin,  
State of California

By: **AIDA PIZANO**



**RULES AND REGULATIONS FOR THE  
MOUNTAIN HOUSE COMMUNITY  
MASTER RESTRICTIONS**

**INTRODUCTION**

**Purpose.** These Rules and Regulations are made for the purpose of governing certain affairs of the Mountain House Community ("Community") and are adopted as provided by the Mountain House Community Master Restrictions, recorded December 04, 2002, as Instrument No. 2002-217750, Official Records of San Joaquin County ("Restrictions"). The Restrictions provide for the adoption of Subdivision Rules ("Rules") relating to the regulation of Community Use Controls, the administration of the Architectural Use Controls and Guidelines, and the enforcement against, and discipline of, Occupants for infractions of the Restrictions and Rules by the Mountain House Community Services District ("MHCS D") Board of Directors ("Directors"). "Owner" means any person or entity holding fee title to a Lot, and "Occupant" means any person(s) who resides in a residential Unit whether as an Owner, tenant, or as a member of an Owner's or tenant's family.

**Date of Adoption.** These Rules were adopted by the MHCS D Directors at a Board meeting held on December 13, 2005, and are to be effective as of the date of adoption.

**For ease of reference, this document is presented in six sections:**

**Section 1 - Administrative Rules:** This section describes the rules related to the daily operations and administration of the Master Restrictions

**Section 2 - Review Entity and Architectural Controls :** This section describes the rules involved in plan submittal and review by the staff of the MHCS D.

**Section 3 - Design Guidelines:** This section describes the rules that regulate the architectural nature or features of some of the improvements within the community.

**Section 4 - Property Use controls:** This section describes additional rules related to the use of property.

**Section 5 - Rules for Enforcement Action:** This section describes the rules that have been established to implement enforcement procedures against property owners and occupants that are in violation of the Restrictions.

**Section 6 - Exhibits to the Rules:** Some of the rules are extensive in nature and require additional information. The Exhibits demonstrate the details of the Rules such as the fines for violations, signage requirements, and fencing standards. Exhibits may be modified or added as necessary by the General Manager, consistent with these rules and regulations.

**SECTION 1 - ADMINISTRATIVE RULES**

**Purpose.** The purpose of these administrative rules is to facilitate the daily monitoring and administration of the Master Restrictions.

- A. **Ownership Information.** Within thirty (30) days after becoming an Owner within the Community, the property owners shall provide the MHCS D with a Resident Information Form as required in Section 5.07A.3 of the Restrictions. The Resident Information Form is attached to

these Rules as *Exhibit A*. The property owners shall also furnish on a yearly basis or upon request by the MHCSD any supplemental information necessary to keep records current, including the following information:

1. The names of all Owners of the property as the Owners' names appear on the Grant Deed, or a copy of the Grant Deed.
2. The mailing address of all Owners of the property.
3. The names of all Occupants of such Owner's Lot.
4. The names of any renters.

**B. Change in Ownership Requirements.** All Owners within ten (10) days prior to the consummation of any sale, transfer or rental of a property shall comply with Section 5.07A.3 of the Restrictions. If the Notice required by this Section is not given by either the transferor or the transferee, the MHCSD may charge a fee to compensate it for the expense of determining the Record Owners, which fee shall be the obligation of both the transferor and the transferee. (See Exhibit D)

**C. Discipline.** The MHCSD may impose monetary penalties and fines and take other actions for the failure of any Owner or Occupant to comply with the governing documents. The MHCSD may also impose a charge against any Lot and against the Owner of any Lot, as provided by Section 5.04 of the Restrictions.

Monetary penalties, fines and other charges that can be charged by the MHCSD, together with interest, late charges, bad check charges, costs and attorneys' fees authorized by the Restrictions, may be charged against an Owner or Occupant ("Assessments"). Assessments shall be due and payable when levied or in installments as specified by the MHCSD. Assessments are levied when Notice of the imposition of the Assessment is made to the person so assessed. The MHCSD shall provide for reasonable notice and an opportunity to be heard before a decision to impose a monetary penalty is reached. A hearing does not need to be held to impose interest, late charges and bad check charges.

**D. Remedial Assessment.** The MHCSD may levy an Assessment against any Lot or Unit, in which the Owner or Occupant has, by negligent acts or omissions, or by acts in violation of the Restrictions which have made necessary any expenditure of money by the MHCSD. This type of assessment that may be charged against the property owner is known as a "Remedial Assessment". The Remedial Assessment shall be in an amount necessary to reimburse the MHCSD for all reasonable costs. These costs can include attorneys' fees, whether or not legal action is brought, incurred in bringing the Owner or Occupant and the Owner's or Occupant's Lot into compliance with the Restrictions.

**E. Delinquency.** Any Assessment or monetary penalty that is not paid within fifteen (15) days after it becomes due, is delinquent. The MHCSD may require any Owner who has not paid an Assessment within fifteen (15) days after its due date, to pay a late charge, in an amount equal to the greater of ten dollars (\$10.00) or five percent (5%) of such delinquent Assessment, as reimbursement for the costs of handling the delinquent payment. The late charge shall constitute

an additional Assessment which is collectible with the Assessment for which it was charged. This provision for late charges is designed to encourage the prompt payment of Assessments when due, and to compensate for the cost and expenses caused by the late payment of Assessments.

- F. **Interest on Overdue Assessments.** If the Assessment, and reasonable costs incurred in the collection of the Assessment or any portion of them is not paid within fifteen (15) days after the due date of the Assessment, the unpaid amount shall bear interest from the due date at a rate of ten percent (10%) per annum or at a rate that does not exceed any higher rate allowed by law. Such charges shall constitute an additional Assessment collectible together with the assessment for which they were charged.
- G. **Charges for Checks Returned from Bank.** If the MHCSD deposits a check paid by an Owner for the payment of an Assessment, and the check is returned for insufficient funds, the MHCSD may impose a "bad check charge". Notwithstanding the requirements of *Civil Code* §1719, the amount of the bad check charge may compensate the MHCSD for the additional costs incurred in handling the check. The bad check charge may include any charges imposed on the MHCSD by a bank for handling or processing the return of the check. This bad check charge is considered an additional Assessment collectible together with the assessment for which it was charged.
- H. **Remedies.** If an Assessment is not paid within fifteen (15) days after its due date, the MHCSD may bring an action to recover a money judgment against each Owner and Occupant personally liable for the Assessment. Section 5.04D of the Restrictions provides for the remedies and actions that the MHCSD may bring upon the property owners in order to recover the Assessment. This Section states the procedures for Foreclosure of Lien, Priority of Liens, Release of Liens, Execution, Cumulative Remedies, Obligations Not Enforceable by Non-Judicial Foreclosure and Waiver of Interest and Charges.

## SECTION 2 - REVIEW ENTITY and ARCHITECTURAL CONTROLS

**Purpose.** The purpose of these Architectural Control Rules is to administer the review and approval or disapproval of any alteration or modification of existing exterior improvements. Article 6 of the Restrictions explains the procedures for submittal, the procedure for application, review fees, forms of approval, return of plans, two stage plan review, if applicable, and criteria for approval.

- A. **Review Entity.** "Review Entity" means the person or entity which has the power to grant approval to an Owner to construct, reconstruct, or alter an Improvement as provided in Section 6.01B of the Master Restrictions.
- B. **Architectural Review Submittal Fees.** Submittal fees must be received prior to plan review. See Exhibit D
  - I. **Architectural Modification:**  
This fee includes up to three reviews by the Architectural Review Consultant; preliminary review, standard review and final review.  
**Example:** If a property owner wishes to modify the exterior of their Unit or the

Secondary Unit or add onto the existing home(s), an architectural plan is required. A plot plan, including setback information, complete elevations, structural drawings, roof plan, colors, roofing, materials, etc. of the existing home and proposed addition or exterior modification are required. (Most of these documents are already available to the applicant.)

**Exterior modification plans are not required under the following circumstances:**

- a) Repainting your home the same field and trim color;
- b) Repainting your garage door(s) with the same field and trim color;
- c) Repairing existing improvements that may have sustained damage with the same materials used in the original construction of the improvements.

2. **Landscape Submittal:**

This fee includes up to three reviews by the Landscape Review Consultant; preliminary review, standard review, and final review.

**Example:** When a home is complete, and the Owner is completing the landscaping, landscape and hardscape plans are required. A plan, including a complete plant list, lighting, construction details of any structure, irrigation notes, and drainage plans, patios, walkways, non-growing ground cover, etc. are required.

3. **Landscape Modification:**

This submittal fee covers the review of plans designed to remove and/or add to the existing landscaping.

**Example:** If the removal or replacement of the front yard landscaping or a portion of the existing front yard landscaping is planned, then landscape plans are required. A plot plan, including a complete plant list, lighting, construction details of any structure, irrigation notes, drainage plans, patios, walkways, non growing ground cover, etc. within the existing landscaping and the proposed changes are required.

**Landscape plans are not required for review by the DRC under the following circumstances:**

- a) Planting and/or replacing annuals;
- b) Replacing dead plant material with the same plants;
- c) Planting, replenishing, and/or replacing living ground cover;
- d) Replacing dead trees with the same species of tree(s);
- e) Replenishing previously approved and existing non-growing ground cover;
- f) Replacing existing fencing that may have deteriorated or has sustained damage.

4. **Landscape Addition:**

This submittal fee covers the review of plans designed to install additional plant material

only to the landscaping.

**Example:** If the property Owner wishes to add improvements other than annuals in the front yard, landscape plans are required. A plot plan, including a complete plant list, irrigation notes as applicable of the existing landscaping and the proposed plant material additions are required.

5. **Miscellaneous Submittals:**

This submittal fee covers the review of minor exterior changes such as; exterior color change requests, security screen door submittal, etc.

**Example #1:** A change of the exterior color would require a photograph or color samples of the existing home, and a color sample of the proposed change.

**Example #2:** Adding a security screen door would require a brochure or photograph of the proposed door.

**Example #3:** The addition of one tree or requesting the removal of one shrub may be approved upon written request. A photograph or landscape plan of the existing home is helpful for review. However, it is not always required.

**Example #4:** If the services of an outside consultant are required to review the plan submittal, the Owner will have the responsibility to pay the consultant for the time at the on site meeting at the rate per hour set by the consultant.

### SECTION 3 - DESIGN GUIDELINES

**Purpose.** Building maintenance and architectural standards for all residential lots, multifamily areas, single family dwellings, and for the commercial and industrial areas are provided for in Article 4, Sections 4.09 and 4.10 of the Restrictions. The Design Guidelines were adopted by the Declarant and established to augment the Restrictions and the MHCS D may adopt and amend any the existing Design Guidelines for any part of the Community or establish additional Design Guidelines and Rules. The following Design Guidelines are in addition to the Design Manuals that were established and adopted by the MHCS D.

**A. Signage Rules.** In addition to the requirements set forth in Section 4.05F the Restrictions, the following sign specifications and rules apply:

1. All "For Sale", "For Rent" and "Trade" sign advertising must comply with *Exhibit C*.
2. The signs must be removed immediately upon the completion of the sale, rental, completion or installation of the improvements (e.g., pools, landscaping, etc.).

Temporary posting of political signs not exceeding three (3) square feet may be located in the front yard of any improved lot or in the window of any project unit. Such signs may be erected thirty (30) days prior to any appropriate political election and must be removed twenty-four (24) hours after the political election.

**B. Satellite/Antenna Installation Rules.** In addition to the requirements set forth in the Restrictions, the following satellite/antenna rules apply:

The installation, placement, or maintenance of any video or television antenna, including a satellite dish or any device designed for over-the-air reception of television broadcast signals.



multi-channel, multi-point distribution service, or direct broadcast satellite services (collectively referred to as "Antenna"), and any supporting structure for such Antenna which is visible from any street is subject to the Federal Communications Act of 1996 and the most recent FCC Rulings. Laws allowing such placement and maintenance include the *Federal Telecommunications Act of 1996* and all regulations issued pursuant to it. If applicable law permits Antenna placement in visible areas, the MHCS D may prescribe the method for its screening, the consistency of the color of the Antenna with the dwelling it serves, and its construction in non-reflective materials. If the Antenna exceeds the maximum of one (1) meter, or thirty-nine (39) inches, or the height of the mast is more than twelve (12) feet above the roofline, the Owner is required to obtain permission from the Review Entity prior to installation.

C. **Solar Heating Rules.** In addition to the requirements set forth in the Restrictions, the following minimum standards apply. A building permit may be required by the County.

1. Solar units not on the roof shall be maintained a minimum of five (5) feet from the property line and concealed from neighboring views, if possible.
2. Solar units on a roof shall be within the wall line of the structure, if possible.
3. All metal trim shall be bronze anodized or otherwise color treated to blend in with the structure, if possible.
4. The solar unit shall be equal or below the plane of the roofing material, whenever possible.
5. The solar unit shall be constructed of rigid materials.
6. All plumbing lines shall be concealed and the method of installation shown and detailed. Any exterior plumbing lines shall be painted to match the exterior of the building.
7. Panel material shall be dark in color or painted to match the roofing material color.
8. A sample of the proposed solar unit along with professionally drawn construction details, which apply to specific installations shall be submitted with the application to the Review Entity. The plans shall be drawn to scale and shall clearly show all elevations, assembly, their attachment to the roof structure, and proposed location on the lot or building. The plans shall confirm the number and/or area of panels required.
9. A cover plate shall be applied to reduce the reflectance of light, if possible. Cover material, if flammable, shall be self-extinguishing.

D. **Rear Yard, Side Yard, and Corner Lot Fencing for all Single Family Residential Lots.** In addition to the requirements set forth in the Restrictions, the following rear yard, side yard and corner lot fencing design standards apply:

1. Specifications for the approved fencing styles are shown in the Design Guidelines for each neighborhood. Should you choose a design other than those shown, you must submit your design, in detail, for review and approval prior to installation.

2. Side yard and rear yard fencing, as well as side yard return gate material, must be approved by the Review Entity if it varies from the approved fence designs set forth in the Design Guidelines for each neighborhood.
3. Side yard fence designs for all corner lot conditions must be approved prior to installation if the design varies from the Design Guidelines for each neighborhood.
4. If the side yard fence is stained, then it shall be stained as natural wood or stained to match the exterior stain of the home.
5. If side yard fencing is painted, a paint sample must be submitted prior to painting and is subject to the approval of the Review Entity. The paint sample must match the exterior color of the home.

E. **Street Trees.** The Design Review Guidelines adopted for each neighborhood state the species of street tree for the collector streets, local streets, cul-de-sacs, collector street intersections and alleys. If an existing street tree planted by the Builder/Developer on your Lot should die, it must be replaced promptly with the same species of tree as originally planted or other species approved by the Review Entity. For a complete listing of the street trees please refer to the Design Guidelines for the particular neighborhood in which you live

#### SECTION 4 - PROPERTY USE CONTROLS.

- A. **Parking Rules.** In addition to the provisions of Sections 4.05J, 4.05L, 4.05M and 4.05N, of the Restrictions, the following additional use controls apply.
1. Each garage must be maintained so that the Owner or Occupant can park all of the Occupant's motor vehicles in such garage to its capacity. The term "motor vehicles" for garage parking purposes includes all operable "standard size" vehicles registered with the MHCSD, which are vehicles: a length of approximately two hundred (200) inches and a width of approximately seventy (70) inches, or other dimensions approved by the MHCSD by rule or by resolution.
  2. To the extent all motor vehicles that are owned or operated by an Owner or Occupant are parked in that Owner or Occupant's garage, then boats, trailers, boat trailers, and other nonstandard vehicles may be so parked in the garage. Boats, trailers, boat trailers, and other nonstandard vehicles are not otherwise permitted inside garages.
  3. Motorcycles, trail bikes, and off-road vehicles are to be considered "non-standard motor vehicles" for garage parking purposes. They must be parked so that they are completely screened from view of adjoining property. These vehicles can be parked in the garage only when all standard motor vehicles owned or operated by an Owner or Occupant that can be parked in the garage are so parked. Motorcycles, trail bikes, and off-road vehicles are not otherwise permitted inside garages.

#### SECTION 5 - RULES FOR ENFORCEMENT ACTION

**Purpose of Enforcement Rules.** The purpose of the Rules for Enforcement Action is to implement procedures for the imposition of enforcement remedies, including penalties upon the

Owners and Occupants subject to the Governing Documents. These Rules are intended to give residents the assurance of procedures that are applied uniformly and predictably. The Restrictions control in the event of any conflict with these Rules. The MHCS D has the right to enforce the Governing Documents, but not the obligation to enforce.

A. **Powers to Remedy and Correct Violations.** The MHCS D may apply any or all of the following measures ("Remedies" and "Penalties") it deems necessary to remedy and correct violations of the Governing Documents which occur as the result of any action or failure to act by an Owner or Occupant. Any imposition of a Penalty under Section 5.02 of the Restrictions and of these Rules does not impair the right of the MHCS D to remedy or correct any violation of the Governing Documents under any provision of the Restrictions.

1. In the case of any infraction, which makes necessary any expenditure of money by the MHCS D as set forth in Section 5.03 of the Restrictions, the MHCS D may levy a Remedial Assessment. A hearing is not required to impose interest, late charges and bad check charges.
2. In the case of any infraction, the MHCS D may impose monetary penalties. Such levy of monetary penalties is subject to the Notice and Hearing requirements of these Rules, and is a Penalty for purposes of these Rules. The MHCS D shall provide for reasonable notice and an opportunity to be heard before a decision to impose a monetary penalty is reached and shall otherwise conform to the procedures described in Section C below. The MHCS D may also commence legal action including injunctive relief, to compel the correction for any infraction.
3. In the case of any infraction involving correction of an Improvement or physical condition or nuisance, the MHCS D may remedy the violation, either with the consent of the Occupant in violation or with a Court Order. The consent of the Occupant is not required for any entry by the MHCS D or its agents upon the Owner's property to correct an emergency condition. Prior to such entry, the General Manager shall make a finding that such an emergency condition exists. Any costs incurred by the MHCS D in such an action may be recovered through Remedial Assessment or through Court judgment rendered by a Court of competent jurisdiction.
4. In the case of any infraction, the MHCS D may pursue any remedy that is legally available to it, whether or not such a remedy is set forth in the Governing Documents. Such procedures may include the towing and storage of illegally parked or unauthorized motor vehicles from any street or other public areas.
5. The levy of any Penalty for an infraction does not excuse or permit the continuation of such infraction, and the MHCS D reserves the right to enforce the applicable remedy at any time without regard to the imposition of any Penalty.

B. **Types of Penalties.** The MHCS D may apply any or all of the following measures ("Penalties") to remedy any infraction or violation that it finds to have occurred.

1. The MHCS D may levy a monetary penalty for any uncorrected violation of the Governing Documents. Such Penalty may be selected as a range of possible fines, which

shall be fixed within such range for a particular violation on the basis of the severity and frequency of its occurrence. The MHCSD may also levy fines on a twenty-four (24) hour (daily) basis as a separate occurrence for each day the same violation continues. The MHCSD may fix the date for commencement of any monetary penalty.

2. For any violation occurring on an intermittent basis, the MHCSD may "Step-up" or increase the monetary penalty in increments as the same violation is found to continue to occur.
3. The levy of late charges and interest on assessments is not a Penalty for purposes of these Rules.

C. **Judicial Committee, Notice and Hearing.** All officers and Directors, and employees of the MHCSD may be designated to cite Owners or Occupants believed to be in violation of any of the Governing Documents. Citations, notices, and hearings on alleged violations shall comply with the following procedures.

1. **Judicial Committee.** The Board may appoint one (1) or more judicial committees ("Judicial Committee") and grant to any such committee the power to give Notice of hearings, hold hearings, adjudicate alleged violations of the Governing Documents, and impose fines and other discipline in accordance with the Restrictions. The Judicial Committee shall be comprised of three (3) members, two (2) of which constitutes a quorum for the purpose of enforcement procedures. In the absence of a Judicial Committee, the General Manager shall be responsible for these duties.
2. **Notice.** The Owner or Occupant shall be given ten (10) days prior notice of a hearing on the alleged infraction, and the probable penalty for the infraction(s). Notice shall be given either personally or by mail. If delivery is made by mail, it shall be deemed to have been delivered seventy-two (72) hours after a copy of the Notice has been deposited in the United States Postal Service, first class postage prepaid, addressed to the Owner at the last mailing address provided in writing to the MHCSD.
3. **Hearing.** At the hearing, the Owner shall be given an opportunity to be heard. An Owner may choose to appear, whether by written submission, in person, or both in person and in writing. The determination as to whether or not an infraction has occurred will be decided at the Hearing. The Directors or any designated committee ("Judicial Committee") shall issue a written statement as to the finding or determination of the levy of the Penalty. If such a finding is made that an Owner is in violation and that a Penalty is to be levied, the Penalty shall be effective no earlier than five (5) days after the decision is made to levy the Penalty.
4. **Appeal.** If the Judicial Committee makes a finding of a violation and determines to levy a Penalty, the Owner may appeal the finding, or the Penalty, or both, to the Board of Directors. Such appeal must be made in writing to the Directors no later than ten (10) days after the Penalty is levied. The Directors shall promptly hear the appeal at its next regular meeting or at a special meeting called for that purpose, and notify the Owner of its decision in writing. No appeal of the Judicial Committee's finding by an Owner is permitted unless such Owner has personally appeared at the hearing, or unless the Owner

can demonstrate to the Directors that the Owner's failure to personally appear is due to extenuating circumstances. The Directors may also limit appeals to more severe infractions and Penalties. An Owner may not make an appeal if the Directors heard the original hearing.

5. **Waiver.** The Directors may waive a proposed Penalty, or rescind a currently imposed Penalty at any time, upon a finding that an Owner has complied or for other good cause.
- D. **Setting the Fines.** In the event the Judicial Committee, General Manager, or the Directors levies a monetary penalty for any violation of the Governing Documents, the provisions of this Section shall determine the amount of the Penalty. The Penalties that may be levied for violation of the Governing Documents along with a citation of the provision violated, and the time period for Members to correct the cited violation, is listed in *Exhibit B* attached to these Rules.
- E. **Payment of Monetary Penalty.** Residents shall have fifteen (15) days from receipt of Notice from the MHCSD in which to pay any monetary penalty. There is a late charge equal to five percent (5%) of the Penalty for any Penalty not paid within fifteen (15) days after it becomes due. There is an interest charge on any unpaid Penalty at a rate of twelve (10%) percent per annum. The MHCSD may commence legal action to collect any unpaid Penalty, late charges, and interest from the delinquent Owner with such delinquent Owner liable for all attorney's fees and court costs attributable to such collection action.
- F. **Grace Period for Remedies.** Prior to any finding that an Owner or Occupant has committed an infraction and prior to the levy of any remedy, the MHCSD may cite such Owner or Occupant in writing and give such Owner or Occupant a period of time ("Grace Period") to correct the activity or condition causing the alleged infraction.
- G. **Grace Period for Enforcement.** The Grace Period for an Owner or Occupant to correct certain infractions for which such Owner or Occupant is cited, along with the provision of the Governing Documents for which the Owner is cited, are listed as *Exhibit B* to these Rules. Please refer to the Exhibit to review the infractions listed, fines, and periods to correct the violation in its entirety.

## SECTION 6 – EXHIBITS TO THE RULES

EXHIBIT A – Resident Information Form

EXHIBIT B – Fine Policy and Period to Correct Violation

EXHIBIT C – Sign Standards

EXHIBIT D - Fees

**EXHIBIT A**  
**RESIDENT INFORMATION FORM**  
**MOUNTAIN HOUSE COMMUNITY**

<b>OWNER NAME(S):</b>		
<b>HOME ADDRESS:</b>		
<b>OWNER MAIL ADDRESS IF DIFFERENT THAN HOME ADDRESS:</b>		
<b>OCCUPANT OR TENANT NAME, IF HOME IS USED FOR RENTAL OR SECONDARY UNIT IS RENTED. (UNITS MUST BE RENTED IN THEIR ENTIRETY)</b>		
<b>OCCUPANT OR TENANT 1</b>		
<b>OCCUPANT OR TENANT 2</b>		
<b>OCCUPANT OR TENANT 3</b>		
<b>OCCUPANT OR TENANT 4</b>		
<b>OCCUPANT OR TENANT 5</b>		
<b>OCCUPANT OR TENANT 6</b>		
<b>OCCUPANT OR TENANT 7</b>		
<b>OCCUPANT OR TENANT 8</b>		
<b>OCCUPANT OR TENANT 9</b>		
<b>OCCUPANT OR TENANT 10</b>		
<b>EMERGENCY CONTACT INFORMATION:</b>		
<b>NAME:</b>	<b>RELATIONSHIP:</b>	<b>PHONE:</b>
<b>SIGNATURE:</b>		<b>DATE:</b>
<p><b>RETURN FORM TO:</b>          Neighborhood Administrator          Mountain House Community Services District          579 Wicklund Crossing          Mountain House, CA 95391</p> <p><b>This Section for Office Use Only</b></p>		
Date Received: _____		
Received By: _____		

**EXHIBIT B**  
**FINE POLICY**  
**PERIOD TO CORRECT VIOLATION**

<u>Section Number</u>	<u>Provision Violated</u>	<u>Period To Correct Violation</u>	<u>Monetary Penalty</u>
4.04 B	Nuisances	24 Hours	\$100.00/day
4.04 C	Attracting Insects or Rodents	24 Hours	\$100.00/day
4.04 F	Accessory Structures	72 Hours	\$100.00/day
4.04 G	Storing Hazardous Materials	24 Hours	\$200.00/day
4.04 H	Refuse	24 Hours	\$100.00/day
4.04 I	Accumulation on Lots	72 Hours	\$100.00/day
4.04 J	Motorcycles; Bicycles	24 Hours	\$100.00/day
4.04 M	Street Trees	15 Days	\$100.00/day
4.04 O	Water Protection	24 Hours	\$100.00/day
4.05 B	Rental of Lots	7 Days	\$100.00/day
4.05 C	Noise	24 Hours	\$100.00/day
4.05 D	Trades of Businesses	7 Days	\$100.00/day
4.05 E	Animals	24 Hours	\$100.00/day
4.05 F	Signs	24 Hours	\$100.00/day
4.05 G	Window Coverings	30 Days	\$100.00/day
4.05 H	Improper Placement of Toys	24 Hours	\$100.00/day
4.05 I	Improper Use of Exterior Lighting	24 Hours	\$100.00/day

4.05 J	Improper Use of Garage Parking	24 Hours	\$100.00/day
4.05 K	Exterior Antennae	15 Days	\$100.00/day
4.05 L	Improper Parking Indefinite Parking	24 Hours	\$100.00/day
4.05 M	Nonstandard Vehicles Mobile Homes	48 Hours	\$100.00/day
4.05 N	Unightly/Inoperable/ or Damaged Vehicles	24 Hours	\$100.00/day
4.05 O	Oil Trays	24 Hours	\$100.00/day
4.05 P	Garage Sales	24 Hours	\$100.00/day
4.05 Q	Sports Apparatus	24 Hours	\$100.00/day
4.05 R	Mail Boxes	24 Hours	\$100.00/day
4.05 S	Clothes Lines	24 Hours	\$100.00/day
4.05 T	Backyard Structures	15 Days	\$100.00/day
5.07 A3	Personal Information	30 Days	\$100.00/day
4.05 E	Continuous Barking	24 Hours	\$100.00/day
4.05 E	Vicious Animals	24 Hours	\$100.00/day
4.09 B5	Parking Improvements	30 Days	\$100.00/day
4.09 B6	Landscaping	30 Days	\$200.00/day
5.04	Delinquency		Greater of \$10 or 5%
5.07	Rules & Regulations	72 Hours	\$100.00/day
5.07	Change in ownership Requirement		\$ 75.00
6.01-6.06	Architectural Controls & Design Review Committee	14 Days	\$200.00/day
6.07	Noncompliance	30 Days	\$200.00/day



**EXHIBIT C**

**SIGNAGE STANDARDS**

**TO BE ESTABLISHED BY THE GENERAL MANAGER.**

## EXHIBIT D

### FEES

1	Architectural Modifications	Greater of \$100 or actual cost
2	Landscape Submittal	Greater of \$100 or actual cost
3	Landscape Modifications	Greater of \$100 or actual cost
4	Landscape Addition	Greater of \$50 or actual cost
5	Miscellaneous Submittals	Greater of \$25 or actual cost
6	Miscellaneous reviews*	Actual cost

\*Any submittal or review not covered above

BEFORE THE BOARD OF DIRECTORS OF THE MOUNTAIN HOUSE  
COMMUNITY SERVICES DISTRICT, COUNTY OF SAN JOAQUIN, STATE OF  
CALIFORNIA

RESOLUTION NO. 2005- 708

RESOLUTION AMENDING THE MOUNTAIN HOUSE COMMUNITY SERVICES  
DISTRICT FEE AND PENALTY SCHEDULE

WHEREAS, the Board of Directors adopted Rules and Regulations pertaining to the Master Restrictions setting forth Covenants, Conditions, and Restrictions, which Rules and Regulations contain fees and penalties; and

WHEREAS, it is necessary to add the fees and penalties to the Mountain House Community Services District Fee Schedule; and

WHEREAS, notice of the amendment of the Mountain House Community Services District was published twice in the Tracy Press for ten days with at least five days between each publication;

NOW, THEREFORE, BE IT RESOLVED that the Mountain House Community Services District Fee Schedule is amended by adding the fees and penalties pertaining to the Master Restrictions setting forth Covenants, Conditions, and Restrictions as set forth on the attached schedule.

PASSED AND ADOPTED this 13 day of Dec., 2005, by the following vote of the Board of Directors of the Mountain House Community Services District, to wit:

AYES: ORNELLAS, MOW, SIEGLOCK, MARENCO, GUTIERREZ

NOES: NONE

ABSENT: NONE

**STEVEN GUTIERREZ**

STEVEN GUTIERREZ, PRESIDENT  
Board of Directors of the Mountain  
House Community Services District,  
County of San Joaquin, State of  
California

ATTEST: LOIS M. SAHYOUN  
Secretary of the Board of Directors  
of the Mountain House Community  
Services District, County of San Joaquin,  
State of California

By: AIDA PIZANO



## FEES

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**FINE POLICY  
PERIOD TO CORRECT VIOLATION**

<u>Section Number</u>	<u>Provision Violated</u>	<u>Period To Correct Violation</u>	<u>Monetary Penalty</u>
4.04 B	Nuisances	24 Hours	\$100.00/day
4.04 C	Attracting Insects or Rodents	24 Hours	\$100.00/day
4.04 F	Accessory Structures	72 Hours	\$100.00/day
4.04 G	Storing Hazardous Materials	24 Hours	\$200.00/day
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