

Community Association of Bernardo Heights
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Rules & Regulations

Dear Residents:

Welcome to your new home! As residents of the Community Association of Bernardo Heights (CABH), you are entitled to membership at the Clubhouse and use of all the amenities. All residents, ages 14 and older will be granted membership to the Community Association of Bernardo Heights amenities upon registration. Parent/Guardian must accompany 14-17 year old and provide verification of age. Upon entering the center, you must check-in at the reception desk.

If the property is leased, the tenants must obtain a Lessee Use to use the facilities of the Clubhouse for a one-time \$10.00 fee per person (as long as they stay in the SAME residence/address). Please pick up the "Release & Waiver of Use Privileges" form from the Clubhouse. This form will need to be completed by both the Homeowner and the tenant, and returned to the Clubhouse. The "Release & Waiver of Privileges" form is not needed for our apartment rental communities: Bernardo Crest, La Serena, Silvergate and The Overlook.

The following are the Clubhouse rules regarding room rentals, use of billiard tables, ping-pong tables, basketball court, tennis courts, swimming pools, use of the exercise room, and Lucido Park (12692 Paseo Lucido). We believe this information will prove useful and we encourage all of our residents to use the Clubhouse.

The Rules and Regulations established for the Bernardo Heights Clubhouse and Lucido Park are designed as guidelines to promote a convenient and efficient operation for the majority of residents. Occasionally these rules and regulations will be revised and updated, as the use of the facility dictates at the Board's discretion.

ASSOCIATION REPRESENTATIVES

A seven-member Board of Directors governs the Community Association of Bernardo Heights. The Board meets every 4th Thursday of each month at 6:00pm. All correspondence to the Board of Directors should be addressed to the CABH/General Manager. A professional management company provides management on site.

Bernardo Heights Clubhouse facilities are designated for use by owners and residents of Bernardo Heights, including minor children and tenants as defined herein.

DEFINITIONS

Owner: A record owner of a fee simple title to any Lot, Unit or other Parcel of property in the community, whether held by one or other persons or entities. A contract purchaser

under a recorded installment land sales contract shall be included as an "Owner" but those merely having an interest in property, as security for performance of an obligation shall not be "Owners". Any adult family members residing in the property who are not designated as "Owners" must bring in proof of residency to receive membership.

Tenant: Individual leasing property from an Owner thereby holding privileges to the Clubhouse as assigned by the Owner.

Membership categories:

Category 1 member age under 14 years old — no membership

Category 2 member age 14-15 years old

Category 3 member age 16-17 years old

Category 4 member age 18 and above

GENERAL INFORMATION

Persons under 14 years of age (Category 1) must be accompanied by a Member of 18 years or older when using the facilities. Exceptions to this rule will be when accompanied by a sibling at least 16 years old and with signed parental consent for pool use. The 16-year-old must have a valid membership in order to bring in a sibling.

Clubhouse Building/Facilities hours:

Monday - Friday: 7:30 am - 9:00 pm.

Saturday: 7:30am - 9:00 pm

*Sunday - 7:30am - 6:00pm during the winter and 9:00 pm during the summer.

**Hours are subject to change based on daylight savings time.*

The Clubhouse will be closed on the following holidays:

Thanksgiving Day, Christmas Day, and New Years Day,

Other closing will be posted in advance except for emergencies.

The 24-hour Clubhouse phone number is **(858) 451-3580**. An answering machine will record your calls after hours. In the event of an after-hours emergency, contact the Security Company, Golden Eagle 4 Security at (855) 400-4347 and O'Connell Landscape at 1-800-339-1106. You may contact the landscaper directly by dialing their number and following the directions to report water or landscape issues. The Security Company will contact the General Manager for all other emergencies.

Vehicles are not to be parked in the parking lot in excess of 6 hours nor three hours past closing. Any vehicle found in violation of this ruling will be subject to towing. Bikes, in-line skates (roller blades), skateboards, roller skates, and razor scooters are not permitted at either Lucido Park or the Clubhouse. Personal barbecues are prohibited at the Clubhouse or the Park.

Pets are not allowed at the Clubhouse or Lucido Park.

Clubhouse.

CODE OF CONDUCT

CABH encourages a safe and healthy atmosphere by supporting an environment free from: Drugs, smoking, alcohol, violence, intimidation, harassment, gambling, solicitation, profanity, and abusive language, vandalism, or property damage. This code applies to all participants, spectators, visitors, facility users, organizations, groups, clubs, staff and volunteers in all CABH activities, programs, field and facility uses.

Violation of this Code of Conduct may result in disciplinary action up to and including immediate and permanent expulsion from CABH programs, cancellation of any facility reservations, forfeiture of all fees, and financial or other restitution for any damages. Acts conducted by a minor are the responsibility of the parent or guardian. Staff reserves the right to ask any individual to leave the facility for failure to comply with any of the stated rules. The offender may be banned from use of the facility until a hearing can be held by the board.

GUEST POLICY

Bernardo Heights Clubhouse and Lucido Park are private, member only community facilities. The members are entitled to financially support the recreation facilities. The following guest policy establishes equitable limits for the non-resident use of its facilities. **Guests are defined as anyone not permanently residing in the home.**

1. Resident must sign guest (s) in at the front desk.
2. Maximum of six (6) guests per visit, per household/residence for members 18 years of age or older.
3. Guests attending "open" group events must sign in.
4. Guest(s) may not use the facilities without the resident.
5. Residents from ages 16 to 17 years old may bring up to three guests per visit, but are subjected to the rule of 6 guests per household.

EXERCISE EQUIPMENT USE - "Use at Your Own Risk"

1. Resident must have current membership and sign the Waiver & Release Agreement.
2. Resident must be at least 14 years old to use the equipment.
3. Those ages 14-17 years old who wish to use the equipment may enter as long as they have a waiver signed by their parent or legal guardian.
4. Guests are not allowed in the Fitness/Weight rooms.
5. Visitors are not allowed in the Fitness/Weight Rooms.
6. Persons under 14 cannot wait in the Fitness/Weight Rooms or any other area of the facility.
7. Appropriate attire and footwear are required.
8. See other posted rules in Exercise Area.
9. During high use periods, there will be a 30 minute limit per apparatus when others are waiting to use the equipment.

FAMILY ROOM/BILLARD TABLE USE

FAMILY ROOM

- 1..Members may bring guests subject to guest limitations as stated.
2. A refundable deposit of \$10 is required to check-out the TV remote.
3. Residents will be charged for lost or damaged equipment
4. Shirts and shoes are required.
- 5.No wet bathing suits are permitted in the Community Room.

BILLIARD TABLE USE

1. Members may bring guests subject to guest limitations as stated
2. Resident must be at least 14 years old to use the Pool Table without adult supervision.
3. Ages 10-14 may play pool, but must have adult supervision at all times. Ages 9 and under may not play pool.
4. Jump shots are prohibited on Pool Table.
5. Sitting on the billiard tables is prohibited.
6. A two-game limit (30 minutes each) is in effect when others are waiting to play.
7. No food or drinks allowed on or near the billiard tables.
8. Pool Table equipment is available at the front desk. A refundable deposit of \$10 is required to check out the Pool Table equipment.
9. Residents will be charged for lost or damaged equipment.

PING-PONG/FOOSBALL TABLE USE

1. Members may bring guests subject to the guest limitations as stated.
2. Sitting on the Ping-Pong/Foosball table is prohibited
- 3.Moving the ping-pong table is prohibited;
4. A time limit may be set by staff when others are waiting to play
- 5.No food or drink is to be placed on the table
- 6.Paddles and balls are available at the front desk.
7. A refundable deposit of \$10 is required to check-out the Ping-Pong and Foosball equipment.
- 7.Residents will be charged for lost or damaged paddles.

BASKETBALL COURT USE

1. Members may bring guests subject to the guest limitations as stated.
- 2.Basketballs are available at the front desk for a \$10 refundable deposit..
- 3.\$25.00 will be charged for a lost ball.
- 4.No food or drink is to be consumed on the court.
- 5.A time limit (30 min.) is in effect when others are waiting to play.

SWIMMING POOL, WADING POOL, AND SPA USE

The objective of the following rules is to maintain a safe environment in which everyone can enjoy the use of the pools and spa. Please be aware that Pool Monitor(s) are on duty only certain times of the year. Swimming is at your own risk. **Private, personal teaching professionals, other than those approved by the Board, are prohibited.**

1. Individuals using the pool and spa should shower before use.
2. All those using the pool must wear appropriate modest swim attire (no cut offs or thongs).
3. No diving, running or pushing allowed.

4. No glass containers permitted.
5. Alcohol is prohibited.
6. Please dispose of all litter in appropriate trash or recycling containers.
7. Children under 14 must be accompanied by an adult member. Moreover, that member must provide total visual supervision of that child.
8. Siblings who are 16 years old may bring their younger siblings to the pool, provided they have signed parental consent in advance. The 16-year-old will provide total supervision of that younger child or children.
9. Music is permitted with the use of earphones.
10. Only soft toss balls, noodles or small inflatable toys or supports will be permitted.
11. Large inner tubes and large flotation devices are not permitted.
12. Any individual who has involuntary bladder or bowel functions shall not be allowed in the pool or spa unless wearing appropriate water-resistant pants.
13. Do not hang or sit on lap lanes in the pool.
14. Lap lane use is limited to thirty minutes when others are waiting for a lane.
15. Food is not permitted in the pool area. Please use the patio for eating snacks and meals to help keep the pool deck clean. Water only is permitted in the pool area to drink.

The Management/Staff/Pool Monitors reserve the right to refuse admittance to or eject from the pool premises any persons failing to comply with any of the above health and safety regulations. Violation of these guidelines may result in up to and including disciplinary hearing and suspension of privileges, with expulsion in force until such hearing is held. fines and monetary penalties for damages.

SWIMMING POOL LAP LANE RESERVATIONS

1. Reservations for Lap Lanes are made online at <https://www.yourcourts.com> yourcourts security register access code: 24965350. Reservations must be made no more than two days in advance. 3. Reservation times are for 30-minute segments, starting at 7:30am.

TENNIS COURT USE RULES AND REGULATIONS

1. Appropriate tennis attire including shirt is required.
2. Shoes with soles that mark tennis courts are prohibited.
3. All beverages must be in non-breakable containers.
4. Food and smoking are prohibited on the courts.
5. Please dispose of any litter and respect the upkeep of the courts.
6. The member who made the reservation must accompany all guests.
7. Be considerate and cancel reservations as soon as possible.
8. Respect the concentration of other players. Shouting, loud and abusive language are prohibited.
9. Members are responsible for their guests' behavior. Radios and alcohol are prohibited on or around court area.

CABH TENNIS RESERVATIONS POLICY

The overlying CABH facilities use policy is that activities must have at least 50% CASH member participation. This policy is applied to the use of the tennis courts, with certain exceptions.

Assuring that at least 50% of the players are CABH members.

Limited reserved court time to 90 minutes

Rules in effect:

- 1.Singles must have at least one member. Doubles must have at least two members
- 2.Back-to-Back court reservations are not allowed
- 3.Players may start ahead of their scheduled time if the court is available, and may play after their reservation time is over if there are not others waiting

Enforcement: Non-compliance with the Tennis Reservation Policy will be considered a violation. Violations may lead to suspension of scheduling privileges, tennis court use, or other appropriate action. CABH Staff may eject the violator and suspend use of the courts until a hearing can be held before the Board of Directors.

TENNIS COURT RESERVATIONS

- 1.Reservations are made online at <https://www.yourcourts.com/yourcourts/security/register/24965350>
- 2.Reservations must be made no more than *two days in advance*.
- 3.Reservation times are for *90-minute segments*, starting at 7:30am.
- 4.If a reserved court is vacant more than 15 minutes after the reservation time, the court is no longer reserved.
- 5.Walk in players must register with the front desk before playing.
- 6.Play is prohibited on wet courts. Play at your own risk when courts are damp.
- 7.CABH Staff has the authority to cancel reservations with notification to members.

TENNIS PROFESSIONAL

No teaching professional may use the facilities without CABH approval. Students under the age of 14 must be accompanied by an adult of at least 18 years of age. Students must check in at the desk prior to lessons.

LUCIDO PARK USE

- 1 Park hours are Monday - Sunday 7:00 a.m. to 9:00 p.m.
2. A park permit is required for resident groups exceeding **10** persons and subject to "Events Not Allowed". (See room reservations below) Permits are issued at the Clubhouse.
3. Pets are not permitted at Lucido Park.
4. Bikes, in-line skates (roller blades), skateboards, roller skates, and razor scooters are prohibited in the park on the walking trail. Small bikes for use by toddlers may be used only in designated areas.
5. Alcoholic beverages and open fires are prohibited.
6. Cooking food must be confined to park installed barbecues.
7. Do not leave the barbecue unattended.
8. Vehicles are not to be parked in the parking lot in excess of 6 hours nor 3 hours after closing. Any vehicle found in violation of this ruling will be subject to towing.
9. Softball only is allowed at the backstop and is limited to persons ages 14 and younger hitting the ball.
10. Management must approve use of the field for other purposes.

ROOM RESERVATIONS

Fees & Charges: The following applies to "private party" use:

All fees must be paid in full at the time of the reservation. The reservation will be accepted only from the legal owner or tenant making the reservation. The owner or tenant who made the reservation must be present the whole duration at the event.

Events not allowed: (Violation of these rules will result in forfeiture of deposit fee.)

1. Commercial events (the purpose of which is to enhance the business, revenues, images, membership, etc., of any firm, group, or organization). (See "Meeting Reservations")
2. Religious services of any kind. This includes weddings, even if they are not religious in nature, Bar Mitzvahs, Baptisms and group study of scripture or any other religious training groups or activities.
3. Fund raisers.
4. Events are subject to the seasonal time change and may not exceed hours of operation.
5. Maximum reservation time is six (6) hours, which includes requested set-up and "cleanup/ departure" time.
- 6. A NSF (None Sufficient Funds) fee charge of \$50.00 will be added for returned checks.**

MAKING A ROOM RESERVATION

The legal owner or tenant of Bernardo Heights must make reservation and fee payment in person at the time of reservation (no phone reservations permitted). The following rooms are available for Private Party use. Kitchen included in fee, based on availability. **Guests and members of CABH attending reserved event are not permitted to use other portions of the facility and must remain in the respective reserved area during the duration of the event.**

Please ask for Community Fee Structure if needed.

*The Community Room includes the use of bar/billiard tables. Billiard tables can be covered. Number of people based on standing, not seating capacity.

An additional deposit of \$200 is required for all party room reservations. This deposit will be held until after the event to cover any damages. If there are no additional charges, the check will be returned. The Upper Pool and BBQ areas require a \$150 deposit for incidentals.

Patio/BBQ area:

1. Members may use the BBQ area at no charge provided no prior reservations exist.
2. There will be a time limitation of 2 hours if others are waiting to use the BBQ.
3. Up to 6 guests, no reservations required, first come, first serve basis.
4. Reservations are required for private parties or groups of more than 6 guests.
5. For 7-25 people the fee will be \$25 for four hours use.
6. For 25-40 people (maximum allowed) the fee will be \$50 for four hours use.

OTHER FACILITIES INCLUDING; PING-PONG, TENNIS COURTS, OUTSIDE GRASS AREAS, BILLIARDS TABLES AND EXERCISE ROOM ARE NOT AVAILABLE FOR RENT, OR FOR "EVENT" GUEST USE.

Resident must sign in/out and attend the event, or designate, in writing, one week prior to the event, another responsible resident. Violation of this rule will result in forfeiture of fees and deposit.

1. Neighborhood association board may reserve the facility for a neighborhood event free of charge one time per year. The deposit of \$200 is required to be paid at the time the reservation is made.

2. Only three room-reservations can be made per household per calendar year without prior approval by the General Manager.

3. Room availability may be checked by phone; however full payment for the reservation is required to reserve any room, and must be paid at the time of booking.

4. Room reservations may be made six (6) months in advance to the day but no less than three (3) weeks prior approval by management in order to properly staff the event.

5. The resident reserving the room(s) must contact the Clubhouse at least two weeks prior to the event to confirm reservation and room arrangements. 6. No more than one (1) social function may be booked for the Clubhouse during the same day; availability of kitchen facilities is based on the date of the reservation or first come basis.

7. The cancellation policy is as follows:

No Charge	Cancellation 61-180 days prior to event.
\$25 fee	Cancellation 30-60 days prior to event
\$50 fee	Cancellation 7-29 days prior to event
\$100 fee	Cancellation less than 7 days prior to event

Use of facility is subject to receipt of all paperwork including caterer's agreement and proof of insurance, alcohol waiver, room set up, and any other required documents requested by staff.

MEETING RESERVATIONS:

Person making reservation must **be** a member and a fee must be paid at the time of the reservation. Each group is allowed one meeting per month for a period of 6 hours. Reservations will be taken no more than 3 weeks in advance and the meeting must end by 9:00 p.m. Light refreshments are permitted, however use of the kitchen is not included. Subject to availability, the Mesa and Verde Rooms are available for meetings for **verified, non-profit groups ONLY. Proof of non-profit status must be submitted when the application is made and fees are paid.**

Monday - Thursday, for a per meeting fee as noted below:

1-45 persons \$115.00

46-90 persons \$230.00

ALL RESERVATIONS ARE SUBJECT TO MANAGER APPROVAL. APPROVAL WILL BE EMAILED WITHIN 72 HOURS OF APPLICATION DATE.

UPPER POOL RESERVATIONS Residents may reserve the upper pool during the summer months. Dates vary depending on the weather and are determined by the manager. The person making the reservation must be a legal owner or tenant and the fee must be paid at the time of the reservation. The safety of members and guests in use of the pool is of upmost importance and the rules for use are strictly adhered to. No Lifeguard is on duty and use of the pool is "At your own risk".

The fee will include use of the area for 5 hours including the set up and clean up time. Use of the lower pool and spa are not permitted in the rental.

The rules for "Events Not Allowed" applies and violation of this will result in forfeiture of deposit and fees. Management reserves the right to terminate any event for failure to comply with policies.

The Board reserves the right to terminate rental privileges of the upper pool at any time.

Guidelines for reservations are as follows:

1. Reservations are limited to 2 times during the week (M-F).
2. Reservations are limited to 1 weekend day and must end by 8:30 pm.
3. Reservations may be made up to 2 months in advance, but not less than 3 weeks prior to the event without management approval.
4. No more than one party per season per household without prior management approval.
5. Reservations will not be accepted for holiday weekends or during community events such as Memorial Day, July 4th, Labor Day or Annual BBQ.
6. No event to exceed 30 people including supervisors.
7. Each event will be required to have adequate adult supervision with a required adult:child ratio as stated below.
8. Supervisors and member must be present at all times.
9. Resident must designate in writing 72 hours prior to the event the responsible supervisors who will be in attendance. Failure to provide this will result in cancellation of the event and forfeiture of the deposit.
10. Food is permitted but must be kept in the upper pool area only.
11. No cooking/BBQs are allowed in the pool area. Use of the barbecue area can be obtained with additional fees being paid.
12. No alcohol is permitted in the pool area.
13. No live or loud music is permitted.
- 14. At the end of the event, the Resident is responsible for clean up, furniture in place, trash removed and checking out with the staff to determine status of refund. The refund will be processed within 72 hours after the event. Checks are mailed to the owners address after the event.**
- 15. All** guests must sign in at the front desk the day of the event.

Maximum of 20 people under 18 years of age.

1 person-(21 or older) for each 3 people 7-12 year of age.

1 person-(21 or older) for each 5 people 13-17 years of age.

ALCOHOL AND TOBACCO USE POLICY

This is a non-smoking facility. Smoking is prohibited anywhere on the grounds of the Clubhouse outside or within the building. Smoking is prohibited in the parking area. Alcohol is prohibited in the building, pool area, and tennis court or barbecue area at any time. The only exception to this rule is when a private party has been made and the appropriate waiver **has been signed**. The CABH Social Committee may have events where alcohol is served. These events are limited to those **21 years or older**.

PHOTOGRAPHY

Photography of the facility or staff is prohibited without prior written consent. This is a private facility and the staff and guests have a reasonable expectation of privacy.

DISCRIMINATION OR HARRASSMENT POLICY

This facility will be maintained free from discrimination or sexual harassment or employee harassment by or against any staff, vendor, member, or guest.

RULES AND REGULATIONS ENFORCEMENT

Non-compliance with any of the aforementioned rules and regulations will be considered a violation. Violations may lead to suspension of use, privileges or other appropriate action up to and including monetary fines and penalties including legal costs. Staff may eject the violator and suspend use of the premises until a hearing can be held before the board.

The first violation will result in a notice to the file and the owner may be called to a hearing before the board. A **hearing will** require notice be made to **the owner not less than 10 days prior to the hearing date unless waived by the owner. Determination of action by the board will** be mailed to the owner within **15 days following the action. The owner may comply with the determination to resolve the violation. Payment of any monetary penalty does not preclude the necessity of ongoing compliance. The violator may also be liable for monetary damages up to and including legal fees. Penalty schedule is attached to this document as Addendum A.**

ADDENDUM A

ENFORCEMENT OF COMMUNITY AND NEIGHBORHOOD CC&R'S AND MONETARY PENALTY SCHEDULE

Pursuant to Association's CC&R's the Community Board may take any action against a violator that it feels is appropriate, after appropriate notice and hearing, including, but not limited to, the following

- 1.Imposing an appropriate monetary penalty.
- 2.Filing a lien for damages.
- 3.Filing an action in court
- 4.Suspension of the Owner's right to use the Community Common facilities in Accordance with the CC&R's.
- 5.Notification to Escrow upon potential sale of property.
- 6.Agreeing to arbitration or mediation between the parties involved.

PENALTY SCHEDULE

1. Failure to provide plans for landscaping/ARC improvements or changes as provided in the CC&R's, ARC Guidelines, Rules &	\$500 per Violation
2. Failure to complete approved landscaping /ARC plans within one year from the date of approval by the Community ARC Committee.	\$500 per Violation
3. Failure to comply with any other requirements set forth in the Neighborhood and/or Community CC&R's, ARC Guidelines, Rules and Regulations .	\$500 per Violation
. Variances requested in advance of work are to be considered by Board. If variance is granted prior to work then no fee will be imposed. However, if variance is requested after the fact the fee will be as follows:	No fee for variance granted when requested prior to work being commenced. Minimum \$500 penalty for variance requests submitted after completion of work.
5. A reasonable time will be allowed for correction of violations. Any non - compliance with the Board's findings will result in the Board providing written notice to the owner, that continued refusal to bring violation into compliance will result in a fine as follows:	\$25 for each day beginning 5 days after time allowed, with a maximum of \$1000.00 per violation.

**PAYMENT OF MONETARY PENALTY DOES NOT PRECLUDE THE
NECESSITY OF COMPLIANCE.**