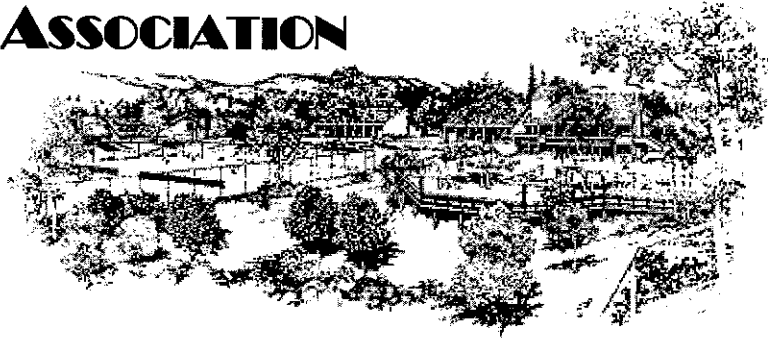


## NOTICE

If this document contains any restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the *Government Code*. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

**COWELL HOMEOWNERS  
ASSOCIATION**



**2005**

**RULES**

**BOOKLET**

Prepared by HBM, Inc.  
1855 Gateway Boulevard, Suite 340  
Concord, CA 94520

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Your Board of Directors has updated the rules, procedures, and general information provided in this booklet. We hope that this booklet will aid you in making Cowell Homeowners Association a great place to live.

Board of Directors meetings are held on the second Thursday of each month at 6:30 p.m. in the Business Office, 4498 Lawson Ct., Concord. Notices of all unscheduled or cancelled meetings are posted at the Business Office and Clubhouse. Meetings are also announced in The Signal and the website, [www.Walnutcountry.com](http://www.Walnutcountry.com).

The Annual Meeting of the Membership is held in September. The purpose of the annual meeting is to hold an election for Director positions; and, in order to comply with an IRS ruling and to prevent federal taxation of Association funds, a resolution is voted on by the members.

If you have any questions or concerns, please contact the Onsite Manager at (925) 687-9961 or via e-mail at [businessoffice@walnutcountry.com](mailto:businessoffice@walnutcountry.com).

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## **ARCHITECTURAL GUIDELINES OVERVIEW**

**Revised September 2004**

### **AUTHORITY**

The Architectural Committee, authorized and established by Article IX of the Association CC&Rs, is responsible for reviewing for approval or denial all external changes to the properties in the development. This includes exterior addition, change or alteration on each property, as well as changes to paint, fencing, decking, roofing, and double pane windows. Planting plans for the properties do not need Architectural Committee approval unless they include landscaping items other than the plants themselves, such as walkways, retaining walls, small fences, concrete accent borders, decking etc. The Architectural Committee has formulated, and the Board of Directors has adopted, the following procedure for the approval process.

### **PROCEDURE**

Homeowners considering an addition, change or alteration to their home must submit an architectural application to the Architectural Committee through the Business Office, 4498 Lawson Ct. The Committee meets once each month on a regularly scheduled date (currently the second Wednesday). All properly submitted requests will be reviewed at the next regularly scheduled meeting and a Committee decision rendered within 60 days of receipt of all necessary and requested information. Committee decisions will be provided in writing to the requesting party. If further information is needed by the Committee in order to make a decision, no final action will be taken on the request until the meeting following the receipt of requested information. Special meetings of the committee will not be held to review requests. Architectural applications must be submitted to the Business Office at least **5 days prior** to the meeting for inclusion on the agenda.

The Architectural Committee has approved certain materials and colors for use in specified circumstances and has allowed for an expedited review of applications using these materials and colors. Contact the Onsite Manager at the Business Office for more details (and ask for the "Paint Book"). The Onsite Manager may confirm the Committee's approval of such materials and colors.

**RECONSIDERATION OF COMMITTEE DENIAL OF APPLICATION BASED ON NEW INFORMATION**

If an owner believes there is new information that warrants reconsideration of a previous rejection of an application by the Architectural Committee, he/she may submit a new application for such reconsideration. The application must state the date of prior submission and must indicate what portion of the application contains the new information.

**APPEAL**

In the event the Architectural Committee denies an application or any part of the application, the applicant may appeal that decision to the Board of Directors. Notice of a request for appeal must be in writing and submitted within fourteen (14) days of the date of denial of the application and must include all materials submitted to and received from the Architectural Committee. The Board shall consider the appeal at an open meeting notice of which shall be provided the applicant at least four days prior to the meeting. A decision on the appeal shall be made and communicated to the applicant in writing not more than sixty (60) days from the date of the notice of the appeal.

**DECISIONS ON APPLICATIONS SHALL BE WRITTEN**

A decision by the Architectural Committee and/or the Board of Directors on an application to make external changes to property within the community shall be in writing.

**FAILURE TO COMPLY WITH SIXTY DAY DEADLINE FOR ARCHITECTURAL AND BOARD DECISIONS**

If the Architectural Committee or Board of Directors fails to provide an applicant with a written reply within the sixty days of an application or an appeal, the architectural procedures contained in the CC&Rs and these rules need not be complied with. Nevertheless, all limitations on alterations of property contained in the CC&Rs must be complied with.

## ARCHITECTURAL STANDARDS

*---All items listed below are subject to Committee approval---*

### SECTION I - The Dwelling

#### Painting

All painted exterior surfaces must be maintained in good condition. All exterior home repainting plans must be submitted in writing to the Architectural Committee for approval. The Association has a color book available for review at the Business Office. Combinations from this book using the colors shown are approved immediately once an application is submitted to the Business Office. The use of existing colors will also receive immediate approval, provided that they were the original colors of the home.

All other requests will be reviewed at the next Committee meeting held after submittal of the application. Applications must provide all information requested and include color samples. Preferably, **color samples will be 8.5" x 11" on a wood surface.** Colors must be harmonious and complementary to surrounding structures and the development. The Architectural Committee has full authority to deny a color based on their assessment of its incompatibility to the balance of the houses in the development. When a painting request is provided to the committee with the statement "base color" the committee understands that all stucco or siding *and any exposed concrete foundation* will be included in this area. Concrete driveways and walkways shall remain unpainted. Gutters must be painted to match the trim color of the house and downspouts must be painted to match the color they rest against on the home (typically, the base color), on homes repainted after January 1, 2005. Unpainted and unstained surfaces such as rock, brick, or fencing shall remain so. Any changes to this must be noted in the painting request and approved for change.

Garage doors must meet the paint requirements set forth in these Architectural Guidelines under the sub-heading: "Garage Doors."

All completed painting jobs must look professional, neat and clean.

#### Front Doors

Any new door must be in keeping with the style of the home, exterior paint colors, and the architectural character of the community.

### **Garage Doors**

Garage doors, including new pre-painted doors are to be painted to match either the base color of the house or the color of the trim of the house; the owner's paint application should indicate which option is preferred. The garage door can have only one color: either the exact same color as the house or as the trim.

### **Replacement Windows**

Replacement window frame color must, in the judgment of the committee, either closely match the color of the existing trim and/or base color so as to provide a soft color contrast, or must be the same color as the existing trim or base color. Windows should be the same type and style all around the home. Shutters, if used, should fit the proportion of the windows. No window or wall type air conditioners or water coolers shall be permitted to be used, erected, placed, or maintained on the outside of any residence. Burglar bars on windows or doors require approval. Adding tinted films to existing windows and glass doors must be submitted to the Architectural Committee.

## **SECTION 2 – Dwelling Additions, Attachments and Balconies**

### **House Additions**

All changes, permanent or temporary, to the exterior appearance of a dwelling unit are subject to review and approval by the Architectural Committee. All applications must be submitted with a complete set of drawings for Committee review. As proposed, the size, scale, color, design, quality, and materials of the alteration (a house change or a deck patio, attachment, and overhang or anything else) must be architecturally and aesthetically compatible with the home, the lot, and the community. As proposed, the roof structure, gutters, downspouts and splashguards associated with the structure must be 1) functional and 2) appropriate to mitigate water run-off and potential drainage impact on neighboring properties or common areas. Only exterior materials compatible with the architectural design character of the community will be approved. Requests for installation of new windows will be reviewed for approval only after considering the impact to immediate neighboring homes.

**Decks, Overhangs, Attachments And Balconies**

All new decks, balconies, attachments and overhangs must be submitted for committee approval.

Decks and patios are acceptable in the rear of the house not to extend closer than 5 feet to all adjoining property lines. In the front of the house, decks and patios are not to extend past the farthest forward extension of the house. Please see the standards applicable to House Additions above; also, any material used must be compatible with the existing structure and submitted to the committee for approval. Attachments and overhangs must be a maximum height of a single story, not to extend closer to adjoining property lines than 5 feet. If a plastic patio cover is being contemplated, only clear smoked color will be considered. Second story balconies will be reviewed for approval only after considering the impact to immediate neighboring homes.

**Other House Attachments**

All other house attachments must be of a material compatible with the existing structure and meet the criteria set forth in the paragraph entitled "House Additions" above. Roofline gutters must be painted to match the trim of the house or if pre-colored vinyl gutters are used the trim must be painted to match the gutter. Wood stove piping must be painted to match the surface it is attached to. Roof vents and turbines must be painted to match the color of the roof.

**SECTION 3 – Freestanding Structures**

**All Freestanding Structures**

Any freestanding structure visible from neighbors' property, roadways or common areas (examples include tool sheds, playhouses, swing sets) needs approval of the Architectural Committee. All building codes must be followed. Materials must be compatible with the adjacent structures, preferably wood. Structures must be a minimum of 5 ft from the property lines, and not in the easement areas. Generally, such equipment must be placed rear yards. All elements of the equipment must be within the homeowner's lot boundaries. The impact to neighboring homes needs to be considered.

### **Fencing**

Front, rear, and side yard fencing must be redwood or cedar. No galvanized or chain link fencing will be approved. Wrought iron or brick may be considered for use depending on its compatibility to surrounding structures. Maximum height of rear and side yard fencing shall be 6 ft. The committee will consider fences higher than six ft on an individual basis depending on such things as the levels of the surrounding lots. All fencing should preferably have finished material on both sides. All side and rear yard fencing will follow a good neighbor design. If only one side has finished materials, this must face the public side of individual lot. Front side yard fences must allow for an 18" setback from the walkway. Front yard fencing may not exceed 2.5 ft in height. Other fencing may be considered for approval if the design is in conformity with the architectural design of the community.

### **Mailboxes**

All mailboxes must be maintained in excellent condition, be of standard size and shape, and be in keeping with the architecture of the community.

### **Driveways**

Any drive or parking area must be added with a curb cut so that the area is a completed and permanent addition. Runners or gravel drives added in the front side yard for access to parking a vehicle behind the side yard fence are not to be used as an additional front yard parking area. It is Association policy that in the front yard, the percentage of paved areas shall not exceed the percentage of landscaped areas.

### **Swimming Pools / In-ground And Portable Spas**

All installations are subject to city codes and required permits.

## **SECTION 4 -- Roofing and Roof Modifications**

### **Roofing**

Detailed re-roofing information (revised 09/02) including the list of approved roofing materials is available at the Business Office. Wood shake is no longer allowed as a re-roofing material. Any and all changes to the existing shake roofing on the home must be submitted for approval. There are several types of roofing materials that have been approved for usage in the development. An Architectural Application must be submitted prior to commencement of any work. A description of current house colors or those to be added in conjunction with the roof installation must accompany all

requests for roof changes so that the committee can determine the overall compatibility of the roof and house colors and materials.

#### **Skylights**

All installations must include anodized framing to match the roofing on the house. Skylights that are 2 feet by 2 feet in dimension or smaller may be white opaque in color. Any skylight larger than 2 feet by 2 feet must be clear, bronze or smoked in color. It is an Association policy that the small tubular skylights that have reflective pieces that extend up into the glass must be mounted on the house so that they are not visible from the street. The metal collar of the tubular skylights must be painted to match the roof.

#### **Solar Panels**

Energy conservation equipment is encouraged as long as it does not significantly detract from existing architectural design. Flat panels are preferred. High standing metal structures will only be permitted if there are no suitable alternative choices. Variances to solar panels may be issued depending on the location, at the discretion of the Architectural Committee.

#### **Satellite Dishes**

Satellite dishes of no more than one meter in diameter, and other TV reception antennae, may be installed where needed for signal reception of acceptable quality is best, unless there are concerns over safety. The satellite dish must be for personal use of the owner or resident of the lot upon which it is installed. Installations should be planned so that the dish is as unobtrusive as possible from the front of the home. The installation should not be visible from the front of the home unless no site less visible produces reception of acceptable quality. The satellite, wiring, and any other associated apparatus used to install the dish may not encroach on any portion of property that is not within the owner's exclusive use and control.

**USE RESTRICTIONS OF LOTS  
AS STATED IN THE CC&Rs**

**Article II, Section 1:** No residence shall contain internal partitions and duplications of facilities, separate entrances or other incidents of a duplex or multiple family dwelling.

**Article II, Section 2:** All buildings erected or constructed on any Lot shall conform to the ordinances and statutes pertaining thereto.

**Article II, Section 3:** No building shall be located on any Lot near the front Lot line nor side street line, nor nearer to the side or rear yard line of such Lot than shall be permitted by the ordinances and regulations of the applicable governmental agency governing the same, nor in any event closer to the front and side yard lines then established by the original construction of such building yard set-back shall be required for a garage or other permitted accessory building located thirty (30) feet or more from the front Lot line.

**Article II, Section 5:** No trailer, basement, tent, shack, garage, bar, or other out-building erected on any Lot described herein, including "granny units" or in-law quarters shall at any time be used as a residence, temporarily or permanently.

**Article II, Section 10:** The paragraph from the CC&Rs regarding television antennae has been superceded by Federal law. The references to television will be removed and the restrictions apply only to radio receiving or transmitting antennae.

**Article II, Section 13:** Certain of the Lots located within the Development have been conveyed with easements over adjacent property or subject to easements for benefit of adjacent property or both.

- (a) Allowable uses are restricted to landscaping (flowers, plants, lawn, sprinklers, hose bibs and so forth), swimming pool decking and use as a general recreation and garden area or any other use at ground level that will allow the Owner of the land (servant tenement) access to any underground construction and to the walls and roof of his or her home for maintenance and repair and further does not impede surface drainage in the area. All such improvements in the easement area must be submitted to the Architectural Committee for approval prior to installation.



## **PROPERTY MAINTENANCE STANDARDS**

Revised January 2003

All residents benefit from the planning and design that has been a part of our development. The intent of the property maintenance standards is to assure owners that the design quality will be maintained. This, in turn, protects property values and enhances the development's overall environment.

The Association enforces the required maintenance of individual properties as outlined in Article VI of the CC&Rs and the property maintenance standards listed here. The Architectural Committee is responsible for assisting with the enforcement of Article VI of the CC&Rs, which addresses maintenance of the individual properties. If individual properties are not maintained properly, the Association has the power to penalize the owner, suspend the owner's voting rights and right to use Common Area facilities or commence legal action.

### **DWELLINGS**

1. The exteriors of dwellings shall be maintained and painted as needed. Painting is required when there is evidence of staining, chipping, cracking, flaking of paint, or wood is exposed. Prior to any exterior painting an architectural application must be submitted to the Architectural Committee via the Business Office. See architectural guidelines under painting.
2. Appurtenances, including but not limited to decks, overhangs, lights, attic ventilators, gutters and downspouts etc, must be properly maintained and promptly repaired.
3. Broken windows, screens, garage doors and entry doors must be repaired or replaced within 30 days of breakage.

### **PROPERTY**

All properties must be landscaped. Said landscaping of every kind and character including lawn, shrubs, trees and plantings shall be trimmed, cultivated, weeded and maintained continuously so as to provide a safe, clean and groomed appearance and so as not to encroach on the sidewalk or street. Lawns should be maintained with a healthy appearance. Dead grass or patches of dirt within lawns is prohibited.

Trees and shrubs that overhang public sidewalks or streets shall be trimmed so they are fully clear of the sidewalk, and to provide for full clearance. The minimum clearance shall be 8 feet above the sidewalk and 12 feet above the street (City Code Section 4302, Ordinance 809)

Strips of land between fences and public walkways, and between the street and public walkways are the property owners' responsibility and shall be kept landscaped, neat and weed free. Street corner cut out strips shall be kept landscaped and weed free, street gutters shall be kept weed free.

Fences, gates, sidewalks, driveways, mailboxes, storage sheds, and yard decorations shall be properly maintained. All damage shall be properly repaired within 30 days unless otherwise authorized by the Architectural Committee.

Accumulation of rubbish, wood etc. visible from other properties and the street shall not be allowed for more than 7 days (next scheduled trash pick up). Rubbish shall be disposed of at the regular weekly trash pick up

Trash, garbage and recycling containers must be stored out of sight in the garage or behind the fence. Trash and recycling containers should be visible only on trash collection days.

#### **PUBLIC RIGHT-OF-WAY OBSTRUCTIONS**

No person shall place anywhere upon any Public Street, way, or sidewalk any boxes, barrels, wood, or any other thing obstructing the free use or passage of such street, way, or sidewalk.

#### **HOLIDAY DECORATIONS**

Holiday decorations must be taken down within 30 days of the end of each holiday season.

#### **SKATEBOARD RAMPS**

Skateboard ramps may be used on the property as long as they are fully portable. When not in active use, ramps must be stored out of sight from the street and common areas either in the garage or behind the fence.

#### **BASKETBALL HOOPS**

Basketball standards are defined as "freestanding", "portable basketball hoop systems", "hoops", "backboards", and "devices". Standards must be totally portable and not cemented and therefore not a permanent fixture on the property. Basketball standards affixed to home walls or roofs must be removable. Only one standard is allowed per house.

### **APPEARANCE**

Basketball standards must be maintained as intended by the manufacturer and kept in good repair.

- No base materials can show through
- Brackets must not be missing, broken, or bent.
- Rust must not be evident anywhere on the standard
- Nets must be installed and not frayed
- Chain nets must not be rusted.
- Hoops must be as originally intended by the manufacturer and not bent

### **Location**

Basketball standards must not be placed in such a way that the base or backboard extends or overhangs the sidewalk edge of the owner's property line. City of Concord Ordinance 4202 states:

#### **Considerations when determining location**

All residents placing a portable standard should take into consideration the following factors with regard to the neighboring properties:

- The neighbor's view of the standard from its backside.
- Positioning the standard in a place that would cause the least amount of noise to the neighbors from rebounding balls hitting objects and causing crashing sounds.
- The neighbor's landscaping and potential damage to their landscape.
- Basketball standard should be placed in the least prominent position from the curb view of the home.

### **Non-Use**

- Basketball standards not being used should be stored out of sight.

### **VEHICULAR PARKING, REPAIRS & STORAGE**

Article II, Section 9 of the CC&Rs states that trailers, boats, motor homes or other recreational vehicles, and non-operational vehicles are not to be parked in the driveway, front yard, or in the street for more than 72 consecutive hours. This is pursuant to Concord Municipal Code Sections 10813, 3217 and California Vehicle Code Sections 22651 (k) and 22702.

- 1 Automobiles, motorcycles, pickup trucks and vans three-quarter ton capacity or less, which are fully operational and currently registered, are allowed to park in a paved driveway and other areas lawfully designated for parking, but are prohibited from parking in front yard areas between the street and any section of the front wall of a building. Vehicles may

- not be parked on gravel or dirt areas of the front yard or front side yard (Ord. 620, 787, 1206, 1253, 86-14, 92-14)
2. Vehicles being repaired shall not be left in the driveway of a Lot for over 24 hours. No person shall construct, repair, grease, or dismantle any vehicle or any part thereof upon any public street (Concord Municipal Code Section 3254).
  3. Permanent storage of any vehicles, machines, supplies or materials that could degrade the health, safety, general welfare or aesthetics of any area is not allowed in the driveway or the front yard of any property (Concord Municipal Code Section 10813, Ord. 620,787,1206,1253, and 86-14)

#### **CC&R VIOLATIONS, HEARINGS AND PENALTY SCHEDULE**

Each owner and the Association itself can enforce the CC&Rs and rules. Whether and to what extent the Association will enforce depends on the nature of the violation, its impact, precedent, expenses and other factors. Described below are the general procedures that will be used by the Association as part of its enforcement effort:

##### **A Fair, Reasonable and Expeditious "Meet and Confer" Procedure**

The Association believes disputes amongst or with homeowners should be resolved fairly, reasonably and expeditiously. Members are encouraged to bring their concerns and disputes to the attention of the Board and to meet with management and the Board in attempts to resolve those disputes. Where the nature of the dispute warrants, the Association intends to make maximum, reasonable use of available low cost local dispute resolution programs. Our goal is to resolve all such disputes with as little inconvenience to the parties within one hundred twenty (120) days, as provided below.

1. Notice of Dispute: An owner or the Association (if invoking this procedure) who disputes conduct or procedures engaged in by the other shall identify that dispute and its proposed resolution in a letter or email addressed to the other ("Dispute Letter")
2. Response: The Association may respond to some Dispute Letters immediately while responses to others may take a longer time (depending on their complexity, whether

consultation with third parties or factual or legal research is required and depending on the regular schedule of Board of Director meetings). The Board of Directors will provide at least an interim response in writing to a Dispute Letter within thirty (30) days of the date of the Dispute Letter

3. Mediation: The owner or the Association can request "mediation" of the dispute. Mediation is a process by which a neutral party or persons ("Mediator") attempts to help disputing parties resolve their dispute. The Board or its designated representative(s) and the owner will have an opportunity to explain the basis of their positions as part of the mediation. The owner may refuse to participate in this process although any costs incurred in mediation at this stage of the dispute shall be completely borne by the Association. The Mediator and parties should cooperate to try to resolve the dispute within 120 days from the date of the original Dispute Letter.
4. Appeal to Board: The owner may appeal the resolution of the dispute to the Board of Directors if the dispute is resolved other than by agreement of the member.
5. Agreements in Writing: If the parties reach agreement on resolving the dispute, that agreement must be in writing. The parties can agree to keep the terms of the agreement confidential unless the interests of the Association warrant that the terms not be kept confidential.

#### B. Fines and Discipline

Without regard to meet and Confer Procedure, the Governing Documents permit the Board of Directors to enforce the governing documents in several ways. These include imposition of fines of up to \$100 for each violation and for a ninety (90) day period, suspension of voting rights and right to use of recreational facilities ("Penalties")

Prior to taking any "enforcement action," Association shall write an owner identifying perceived infractions of the governing documents. The owner shall be given thirty (30) days to cure the infractions unless circumstances warrant a faster cure which shall be identified in the

notice. If the infraction is not cured in a timely manner, further action can be taken

Prior to the imposition of one or more Penalties, the owner shall be mailed notice of a hearing to be conducted by the Board at which time such Penalties will be considered. The owner may attend the hearing and may address the Board of Directors concerning the alleged violation of the governing documents and any proposed Penalties.

The hearing may occur whether or not the owner attends. Notice of the hearing shall identify the alleged violation and shall be mailed at least ten (10) days prior to the hearing. Notice of the results of the hearing shall be mailed to the owner within fifteen (15) days of the hearing.

### **FACILITY RULES & REGULATIONS** (Effective January 1, 2003)

This document contains the Rules & Regulations for our Association. Please review these rules with your family and retain them for future use and reference. We will not be reissuing the pool rules each season but will ask that you refer to your master rules as a refresher each season. These rules may be modified or supplemented from time to time by the Board of Directors and you will be notified of these changes.

The Rules are not intended to replace any of the Association's governing documents (the Articles of Incorporation, Bylaws and the Covenants, Conditions and Restrictions (CC&Rs)). The Board of Directors encourages you to become familiar with the Governing Documents and refer to them for any specific information you may need.

### **COMMON AREA RULES**

The common areas include the main Clubhouse, surrounding lawns, landscaping, all swimming pools and cabanas, greenbelt, tennis courts, playgrounds, basketball courts, Dog Park, Firehouse, Smokestack and Business Office. Each homeowner has a vested interest in the common areas. Please give these areas the same pride of ownership and care that you and your family give your own home.

**Curfew**

Curfew for all outdoor common areas and facilities is 10 p.m. to 4:30 a.m. year-round. The Association contracts for a security service to patrol the common areas and they are authorized to enforce the curfew.

**No Reserved Usage of the Park, Pools, or Tennis Courts**

No group may reserve any area of the park, greenbelt or pool for a private function. Homeowners may use greenbelt areas for their private parties or gatherings, but the area may not be reserved or set aside as unavailable to other members and their guests.

**Organized Sports**

Except for Association-sponsored activities, organized baseball, football or other games of this type are not allowed on the common areas. Playing catch and informal games are allowed, but informal play with hard balls, such as hard golf balls or baseballs is not. For any allowable activity, every attempt must be made to protect the landscaped areas.

**Dangerous Activities**

Activities that might cause injury to persons or property, such as archery, golf, hardballs hit with a bat, combustible model rockets and other conceivably dangerous activities are not allowed on the common areas.

**Trees & Plantings**

Climbing trees is strictly prohibited. Should a tree be damaged or killed by such an activity, the homeowner responsible will be billed for a replacement or for the resulting tree work required. Homeowners are not authorized to plant, prune, adjust or remove plantings on the common areas. Requests for landscape work should be directed to the On Site Manager via email.

**Landscape Irrigation**

Only the landscape maintenance company is to do work on the irrigation system. Problems with the irrigation system should be reported to the On Site Manager. Problems after 5pm, on weekends and holidays should be reported to the management company at 687-1855. Members are not to call the landscape company directly or attempt to make adjustments themselves.

**Bicycles, Tricycles, Scooters and the Like**

Bikers and skaters are requested to go slowly on the pathways and to note that pedestrians always have the right of way. Children under the age of 18 must wear a helmet. Bike ramps or informal raceways are not allowed on the common areas.

**Skateboarding/ Rollerblading**

Skateboarding/rollerblading is not allowed in the Clubhouse building complex, inside the pool areas, or on any of the tennis courts. Skaters are restricted to the paths on the greenbelt or the city sidewalks. Skaters must not skate over turf, plantings or other landscaped areas. Skateboard ramps are not allowed to be built, used or stored on the common areas

**Motorized Vehicles, Including Motorized Scooters**

Only the On Site Manager, lifeguard personnel or staff, private security officers or disabled persons using authorized vehicles may use motorized vehicles on the common area.

**Alcohol Usage on the Facilities**

The consumption of alcohol is prohibited on the common areas except during a pre-registered, approved activity. Security is authorized to check the identification of anyone possessing an alcoholic beverage on Association property. They may then take action as necessary to enforce the Association rules and applicable laws. Persons under 21 are prohibited possession of alcohol on any common area.

**Glass Containers**

Glass containers are prohibited on the common areas (with the exception of authorized parties or events).

**Combustion Vehicles**

Operation of noise-producing combustion model vehicles is prohibited on the common areas. This would include any model car, airplane, or rocket that uses a combustion engine.

**CHOA PHOTO ID BADGES & KEYS**

**Residents and their guests must display valid CHOA ID Badges** when using any of the recreation facilities of the Association, including the Clubhouse, swimming pools, tennis courts, basketball courts and the Dog Park.

**Members Photo ID Badges**

1. Badges can be purchased year round at the Clubhouse. Proof of residence is required to purchase CHOA ID badges.
2. Badges are required for all residents over four years old. Badges are to be prominently displayed by residents and their guests when using the facilities. Badges may be worn on clothing, bags, towels or other items,



- but should be clearly visible.
- 3 The price of new and replacement badges is subject to change.
  - 4 Members need to be in "good standing" in order to use the facilities and purchase CHOA ID badges.

#### **Guest Badges**

1. Each member household may purchase a maximum of 5 guest badges. Guest badges will be numbered to identify the member hosting them.
2. Guests may not use the facilities unless accompanied by a resident
3. Residents are always responsible for the actions of their guests.

Use of some facilities, e.g., the Clubhouse exercise room or the swimming pools, by unsupervised minors is subject to special age restrictions and other qualifications. The specific requirements are discussed with the rest of the rules for a particular facility (swimming pools, clubhouse, etc.)

#### **Keys for Facilities**

- 1 The swimming pools, the tennis courts and the dog park each have separate keys. These can be purchased at the Clubhouse office.
- 2 Only adults with proof of Walnut Country residency can purchase keys. No exceptions.

### **TENNIS COURTS**

All persons using the tennis courts do so at their own risk and responsibility. The cost to repair any property damage caused by a resident or guest will be charged to the responsible Lot Owner.

#### **Guests**

Each resident may extend the use of the tennis courts to no more than three guests at one time, and the sponsoring resident must be present on the court.

#### **Attire**

Non-marking tennis shoes must be worn at all times on the courts. Residents and their guests are encouraged to wear tennis attire that will not prove to be offensive to other players and their guests.

#### **Limitation of play and other rules**

1. Only the Recreation Manager, Tennis Pro or leaders of the Walnut Country-sanctioned tennis teams may reserve court times. Announcements for scheduled tournaments or other reserved events should be posted at least one week prior to the event.

- 2 Only the Tennis Pro or Recreation Manager may schedule tournaments  
Notice of tournaments is to be posted at least one week prior to the tournament to alert other players that the courts are reserved
- 3 One player may not hold an open court if two or more people are waiting.
- 4 The area inside the fence is restricted to players only. Waiting players and spectators of all ages should remain outside the fenced area.
- 5 All sessions are limited to 1 hour maximum if others are waiting to play. If no one is waiting for the court, players may continue beyond the one-hour limit until the next court occupants arrive, at which time the court must be vacated.
- 6 Loud talking, shouting, radios, abusive language, hitting balls against the fences and other practices annoying to other players or other persons in the area are not permitted.
- 7 Singles players are urged to invite waiting players to join them in a doubles game.
- 8 No pets, food or beverages, glass, equipment, wheeled vehicles, skates, roller blades or other objects that damage the court surface are allowed within the court areas.
- 9 Gates should be opened only to enter the courts areas. *Players should ensure that gates are closed and locked upon leaving.*
- 10 The curfew for the lighted tennis courts is 10 p.m. Players are asked to turn off the lights when leaving lighted courts.
- 11 Players may be asked to change courts by the tennis court cleaning service.

#### **Tennis leagues**

With the approval of the Board, Association members may sponsor tennis leagues involving tournaments with other non-homeowner teams. Such tournaments must be approved by and scheduled with the Recreation Manager and approved by the Board. Notification of scheduled tournaments is to be published in The Signal.

Residents interested in joining one of the Association-sanctioned teams should see the Tennis Pro or the Recreation Manager. Disputes regarding team membership or participation may be taken to the Board.

#### **Lessons**

1. Only residents or their guests are allowed to sign up for Association-contracted tennis lessons.
2. The Association-contracted Tennis Pro is the only person authorized to give paid instruction on any tennis court. No exceptions.

3. Dates and times of scheduled group lessons are to be printed in the Association newsletter (The Signal) to notify others of this activity

## SWIMMING POOLS

### Season Dates and Times

- **Main Pool**

The main pool is open annually May through September. The Walnut Country Swim Team uses this pool for both practices and for meets. Dates and times for swim team meets, swim team practice and open swimming for the membership is published in The Signal.

- **East & West Pools**

The side pools are open from Memorial Day weekend through the resumption of the Mt Diablo School District in September. Hours of operations are published in The Signal.

### Access to Pools

Gates to the pools are chain locked overnight during open seasons. When a gate is not chain locked and it is within the hours of normal operations, the pool is open to residents under the rules that follow. The Recreation Manager under the authority of the Board schedules lifeguards, but members need to understand that lifeguards may or may not be present during normal hours of operations for various reasons, including that of inclement weather.

1. Access to pools is restricted to Association residents and their guests
2. Pool gates must be closed and locked at all times. Climbing the fences is strictly prohibited.
3. All member groups must own and have in their possession a pool gate key to access pool areas.
4. All members and their guests must have valid CHOA ID badges clearly visible when using pool facilities.
5. Members using a pool must sign in on the pool sign-in sheet for themselves and other members of their party
6. Access to the main pool from the Clubhouse doors leading to the pool or the balcony is prohibited.
7. Youths under the age of 14, with or without badges, are not allowed into the pool areas unless there is a parent or responsible adult in attendance or a lifeguard on duty.

8. Guests who are at least 8 and under 18 years of age who pass the swim test (see below) and have written authorization from their parent or guardian will be given “guest youth swimmer” status and may accompany a member who has swimmer status without a parent in attendance when **a lifeguard is on duty**.
9. If a lifeguard is not present, members are advised not to swim alone, but to use the buddy system.

### **Guests**

1. Generally, each member may extend the use of the pool to no more than five guests per day.
2. The sponsoring member must be present the entire time their guests are in the pool area.
3. If more than five guests are expected for a single day, special day passes may be purchased. Contact the Recreation Manager for information about special day passes.
4. An adult member must supervise guests under age 18 unless they have taken the swim test and have a waiver signed by their parent or guardian on file with the Association **and a lifeguard is on duty**
5. Guest Swimmer Status: Guests who are between 8 and 18 years of age who pass the swim test (see below) and have written permission from their parent or guardian will be given “guest swimmer” status and may accompany a member who has a swimmer status without a parent in attendance when a lifeguard is on duty.
6. Without an adult in attendance, youth swimmers may only host guests, ages 8-18, who has guest swimmer status. This assumes that a lifeguard is in attendance or that both the youth member and the guest are older than 14.

### **Swim Tests for Youth Swimmers, both Members and Guests**

Lifeguards give swim tests to members under the age of 18. For safety reasons, swim tests will only be offered during rest period. The swim test includes:

1. One lap of freestyle
2. One lap of backstroke
3. One minute treading water
4. One minute floating on the swimmers back.

Member youths who pass the swim test should obtain a Swimmer’s Badge  
Guests who pass the test should obtain a special Guest Youth Swimmer Badge.

### Swim Lessons

Swim lessons are offered at one or both of the side pools in the mornings by authorized staff. Specific dates for the sign-ups for lessons are published in the Association newsletter. Members may also contact the Recreation Manager for swimming lessons information. **Only authorized, Association-approved swimming lessons for a fee are to be given at the Association pools.**

### Lifeguards

**Members and their guests must be aware that they swim at their own risk at the pools.** The Association employs certified lifeguards to be stationed at pools as available and as scheduled. Members and their guests must follow instructions from the lifeguards enforcing rules. Members and their guests should try to communicate with lifeguards only when absolutely necessary. This will minimize distractions. The lifeguards have the discretion to stop any activity that interferes with the general enjoyment of the pools. See the "Access to the Pools" section above for the rules about children requiring the presence of a lifeguard before using the pools.

### Rest Periods

With a lifeguard in attendance, youth swimmers under the age of 16 must exit the pool when the lifeguard announces rest period. Typically, rest periods are 15 minutes in length, once per hour. During this period, youth swimmers are not to be in the water or near the edge of the pool. Lifeguards may temporarily leave the pool areas during rest periods as part of their break. Infants under the age of four in the arms of parents or guardians are not required to leave the pool during these periods.

Rest periods are not applicable to the wading pool next to the main pool; however, as the next section explains, only children five years and younger who are actively supervised by an adult are allowed in the wading pool.

### Main Pool Wading Pool Rules

The wading pool at the main swimming pool area is for the exclusive use of children five years and younger. No exceptions. Because lifeguards at the main pool are stationed so they can be primarily attentive to the main pool only, adults must be sitting on the edge of the wading pool or be within arm's length of any children they are with. There is no diving allowed, and flotation devices are allowed on children at the wading pool at the discretion of the lifeguard. These and other rules are posted near the pool and must be followed at all times. Rest period is not applicable to the wading pool.

### **Other Miscellaneous Pool Rules**

The following rules are designed to promote the health, safety and enjoyment of all members and their guests when using the pools, and at the same time, to maintain the pools and Association facilities in the best possible condition. Please remember: No set of rules can substitute for good judgment and thoughtful consideration

1. Adult members are responsible for children in their care. An adult must be in attendance with all children less than 8 years of age at all times. Proper supervision requires the adult to be within arms' length of the child they are supervising.
2. Adults are responsible for the toileting of children in their care. Infants and toddlers must wear swim diapers
3. Persons with an active infection, such as a cold, or with a skin disease or other communicative disease should not enter a pool
4. Do not let children place their arms, legs or hair into any pool drain area
5. No running or horseplay in the pool areas. This includes diving, cannonballs, and jackknives, back flips, dunking, roughhousing and pushing other people in the pool.
6. No unreasonable noise on the deck. This includes shuieking, screaming and loud music. Lifeguards have the discretion to stop any activity that interferes with the general enjoyment of others at the pools
7. Portable radios are allowed in the pool area, but the volume must be kept at a reasonable level to avoid disturbing other pool users or nearby homes. Also, music must be in accordance with the Association's family nature and its limitations on profanity, on Association grounds. Lifeguards will enforce volume and suitability limits
8. No profanity or abusive language.
9. Floation and support devices are allowed at the discretion of the lifeguard & only at the deep end of the pool.
10. Beach balls are may be allowed at the discretion of the lifeguard
11. Swim attire is required of all those on the deck area. No cutoffs allowed. Street clothes are not to be worn in the pool.
12. All swimmers are requested to shower before entering the pool, especially if wearing suntan oil.
13. County Health Ordinances do not allow animals or pets of any kind, with the exception of guide dogs, in the pool areas or in the pools
14. Food and drink may be consumed on the deck area at a distance of 5 feet from the pool's edge. **NO GLASS** of any kind is permitted. Alcoholic beverages are restricted to persons 21 or older. Trash is to be disposed of in trash receptacles provided at the pools.

- 15 There is no smoking within the fenced areas at our swimming pools.
- 16 No bikes or skateboards are allowed inside the pool areas
- 17 Bathrooms are to be kept clean by members and guests. Any problem with a bathroom should be reported to the lifeguard immediately. Mops kept near bathrooms are to be used by members or guests to mop excess water from bathroom floors
- 18 Only authorized personnel are to adjust the pool equipment, temperature and chemical levels.
- 19 Lost and found items will be held at side pools, the main pool or at the Clubhouse until the end of the season. Items will then be transferred to the Business Office. All items may be disposed of after 30 days if not claimed

## **CLUBHOUSE**

### **Usage**

1. The Clubhouse is open to all members in good standing of the community
2. Residents must sign in and show ID and badges
3. CHOA ID badges are required to check out equipment.
4. Youth wishing to use the clubhouse during normal school hours must have parental authorization.

### **Guests**

Members are allowed to bring a maximum of two guests to the Clubhouse. Members must accompany their guests when using the facilities and are responsible for their guest's actions.

### **Restrictions**

1. Smoking is not allowed in or near the entrances to the Clubhouse or along the paths that lead to the Clubhouse, except in the case of a party rental. In this case, smoking is allowed only on the west balcony, and only if the smoking receptacles provided are used.
2. No food or drink is allowed in the pool table area.
3. No alcoholic beverages are allowed in any area of the Clubhouse, with the exception of a rental event or Association sanctioned activity, e.g., the Seniors Group potluck dinners
4. Shirts and shoes must be worn at all times in all areas of the Clubhouse
5. Swimwear will be worn downstairs only.
6. No animals, except guide dogs, allowed in the Clubhouse.

7. No bicycles, skates, scooters, skateboards and the like are to be used in or near the Clubhouse. Bike racks are available outside. Use of skateboards, roller blades and the like are strictly prohibited on the steps that lead to the front of the Clubhouse, the paths that lead to the front of the clubhouse, or any areas adjacent to the Clubhouse.
8. No entry is allowed for any person carrying a knife or other weapon
9. No betting or gambling of any kind is allowed at the clubhouse.
10. Swearing of any kind is prohibited.
11. Equipment is not to be misused. Report problems with equipment to staff immediately.
12. All equipment checked out must be returned prior to leaving the building
13. Members must cooperate with the instructions of the Association staff. Verbal or physical harassment of the staff will not be tolerated. Abusive persons will be asked to vacate the premises and security officers will be summoned

#### **Pool tables**

1. Use of the pool tables is limited to persons 12 years and older.
2. Use of the pool tables is limited to 30 minutes when other players are waiting
3. All equipment is checked out through the recreation staff and must be returned to them when play is completed. Players are requested to report any faulty or damaged equipment.
4. No sitting on the pool tables
5. No food or drink is allowed on or around the pool tables.

#### **Exercise Room**

1. Youth must be 14 years of age to use the Clubhouse Exercise Room.
2. Everybody planning to use the Exercise Room must sign a liability waiver **prior to using any equipment**. A parent or guardian must sign a waiver for a member under 18 years of age. Not following this rule is considered a "Major offense" as defined later in these rules
3. Guests in the weight room must be 14 years of age. Members may only bring one guest at a time to the Exercise Room.
4. Exercise Room users must check in and out through the Recreation Office. This procedure is necessary for your protection and safety.
5. The room should be locked when not in use.
6. Members should report any unsafe or non-working equipment to the Recreation office and ask that the equipment be given a sign to warn others.



## **BASKETBALL COURTS, PLAYGROUNDS AND PICNIC AREAS**

### **Basketball Courts**

1. No alcohol or glass containers allowed.
2. A maximum of four guests allowed for every resident household displaying a valid CHOA ID badge. Each guest must also display a valid guest badge.
3. Play is limited to 30 minutes when others are waiting.
4. When multiple groups of different age groups are present, half court games are encouraged.
5. Yelling or shouting profanities is prohibited and the individuals involved with this behavior will be ejected.
6. Curfew is 10 p.m. No exceptions.

### **Playgrounds**

1. No alcohol or glass containers allowed.
2. Members should be prepared to show their CHOA ID badges when using playgrounds.
3. A maximum of four guests per resident with valid CHOA ID badge.
4. Use of equipment may be restricted to an age group. Members and guests are asked to use their best judgment here.
5. Members may not reserve use of a playground or portion of one nor restrict use of equipment by others, except in the case where in the opinion of the member use of the equipment is improper.
6. Curfew is 10 p.m. at all playgrounds. No exceptions.

### **Picnic Areas**

1. Picnic tables and areas cannot be formally reserved in advance. Use of these facilities is on a first-come, first-serve basis.
2. At least one homeowner must be present at an event at all times and should have a valid CHOA ID badge.
3. Homeowners are responsible for cleaning up after themselves when use of a picnic area is completed. If at all possible, members are asked to remove debris from the area, rather than fill trashcans to the brim.

## **PETS AND THE DOG PARK**

### **Pride of Ownership**

The common areas are designed to be play areas for the children of the community. Dog and cat owners must be responsible for their pets and take whatever steps are necessary to assure that the common areas are not littered. In other words, members must pick up after their animals

### **Leash Policy**

A Contra Costa County leash law is in effect on the common areas. Dogs must be on a leash at all times on the common area, with the exception of the off-leash Dog Park at the East end of the development. No pets shall be allowed to run loose on the common areas.

### **Animal Control**

Contra Costa County Animal Control officers are authorized to enter the Association common areas to deal with dogs off a leash or of concern to our members for any other reason

### **Dog Park at the East Entry**

The following rules shall apply to the Dog Park:

1. Only members displaying valid CHOA ID badges and their dogs are allowed to use the Dog Park.
2. Each member may extend the use of the Dog Park to no more than two guests per day; however, the sponsoring member must be present. Member and guest badges must be prominently displayed by all.
3. Gates must be closed and locked except for ingress and egress. Members should report any problems with gates or locks to the On Site Manager immediately. Only members in good standing are allowed to possess or use a key to the Dog Park. The same key opens the dog park and pool gates.
4. No aggressive animals are allowed at any time. Dogs displaying aggression against other dogs or people must be leashed and removed from the Dog Park immediately
5. Dogs must be supervised at all times while in the Dog Park
6. All persons while using the Dog Park must have a leash in their hand.
7. All dogs must be under voice command at all times.
8. All dogs must be current on their shots and vaccinations.
9. All dog feces must be removed immediately and placed in a trash receptacle

10. Dogs must not be allowed to dig holes or damage the turf. Containers of soil are found at the Dog Park. Members are encouraged to fill holes made by dogs.
11. No team or organized sports are allowed in the Dog Park.
12. Use of the area after dark is not recommended, as there is no lighting. Curfew is 10 p.m.

## **INFRACTIONS AND PENALTIES**

### **General Guidelines**

The common areas and recreation facilities of the Association are, subject to the rules established for their use, available to all members of the Association who are in good standing. Members who are not in good standing as a result of assessment delinquencies, architectural violations or other board-imposed penalties are not eligible to use the facilities or participate in Association sponsored programs.

### **Minor Infractions**

Minor infractions of the Rules are defined as a violation of defined and published rules of the Association. This includes not cooperating with the instructions of Association staff. The first time such an infraction or offense occurs will generally result in a warning. This will be followed by the offender being ejected or prohibited from using a particular facility for a period of time.

### **Major Infractions**

Major infractions of Association rules include:

1. Repeated failure to follow Association rules and regulations.
2. Intentional damage to Association property.
3. Removing Association property without permission.
4. Confrontations, either verbal or physical, with Association staff or private security employed in the Clubhouse, at the pools or in other common areas. NOTE: Staff is required to report all confrontations to the Association management.
5. Climbing fences or railings around pools or other facilities.
6. Entering pools or other Association facilities outside of designated operating hours.
7. Failing to cooperate with organized Association events such as youth sports events or swim team events.
8. Failing to properly supervise children or guests as they use Association facilities.

**Restrictions and Penalties**

Commission of a major infraction will result in the offender being ejected or prohibited from using the facilities. A report of the offense will be forwarded to the Onsite Manager and then to the Board of Directors if appropriate. Board of Directors may, at their discretion, schedule an enforcement hearing with the responsible homeowner before consideration of such penalties per the CC&Rs and Rules as fines up to \$100 or loss of common area usage privileges

**Financial Liability**

Any member who damages or destroys Association property, including buildings, fixtures and landscaping, is responsible for the cost of repairing the damage. Members are financially responsible for the actions of their guests

**FACILITIES USAGE, RESERVATIONS AND RENTALS**

Association facilities are primarily for the use of members of the Cowell Homeowners Association, Inc. Approved activities would include normally accepted recreation, social or cultural activities.

**Rentals of the Clubhouse**

Only members of the Association in good standing (that is, who are not delinquent in the payment of any sums owed the Association and who are not then in violation of the governing documents) may rent the Clubhouse for private functions. For detailed information on renting the facilities please contact the Recreation Manager at the Clubhouse.

**Community Groups**

Community or civic groups wishing to use the Clubhouse or other facilities for meetings or activities must meet the criteria specified in the clubhouse rental policy document, including that most members be residents of Walnut Country and that the contact sponsor be a member and be present at all events for his or her group.

**Organized Teams or Competitions**

Association members *may not* individually organize or sponsor sports teams or leagues or other activities to play or practice at Association facilities without the permission of the Recreation Manager and the Board of Directors.

### **Profit-making Activities**

No part of the facilities shall ever be used or authorized for use, directly or indirectly, for any business, commercial, mercantile, vending or other profit making purpose except as specifically stated in the following:

**Official committees** of the Cowell Homeowners Association may sponsor moneymaking activities to benefit their committee in and around the clubhouse as follows:

1. If an outside organization or individual (to include homeowners acting as an agent for an organization or company) IS NOT involved the committee can act without specific Board approval.
2. If an outside organization or individual IS involved that has been solicited by the committee and does not stand to make a profit above a reasonable payment for time and materials, then the event does not have to be approved by the Board.
3. Under any other conditions, Board approval must be obtained before the event can be scheduled.

### **Lessons or Classes**

Lessons or classes handled by independent instructors and conducted using the Association facilities in any way will be governed by the following policies:

1. The Recreation Manager must approve instructors or teachers solicited or sponsored by an Association Committee, and who will be reimbursed from revenues based on the number of participants and paid by the participants. Any such instructor must pay a 20% - 30% fee back to the Association, must carry their own insurance, and must pay their own payroll taxes. All such independent instructors must agree in writing to defend and indemnify the Association from claims arising out of services they rendered on the common area. The Recreation Manager will establish actual charges for class participation.
2. Instructors or teachers solicited by or sponsored by an Official Association Committee or the Recreation Manager, and who will be reimbursed a predetermined flat rate to teach a class or activity, will not be considered under this section. This situation or anything close to it will be considered employment and must be handled accordingly.
3. Instructors or teachers may apply directly to a Committee or the Recreation Manager if they feel that they have something to offer the members. The Committee or Recreation Manager must then choose to sponsor the instructor to the Manager.

4. All advertising in The Signal for instructors' classes will be coordinated through the Recreation Manager.
5. No fee-based lessons of any kind, e.g., swimming lessons or tennis lessons, may be given at Association facilities unless approved by the Recreation Manager or the Board of Directors.

**Other**

An activity (usually a one-time event) pre-approved by the Board of Directors.

**RESTRICTION ON PERCENTAGE OF RENTAL PROPERTIES  
AUTHORITY AND PROCEDURES**

**AUTHORITY**

CC&R Article I, Section 14:

- (a) The respective residential lots shall not be rented or leased by the owner thereof for transient or hotel purposes, which shall be defined as (1) rentals for any period less than six months; or (2) any rental if the occupants of the residential lot are provided, customary hotel services, such as room service for food and beverage, maid service and furnishing laundry and linen. Other than the foregoing obligations, the owners of the respective lot shall have the right to lease their lots subject to the provisions contained in this Declaration and, in particular, this Section 14.
- (b) The right to lease a lot shall be restricted to a maximum of twenty-five percent (25%) of the lots in the development at any time.
- (c) The right to lease a lot shall be granted in the order written applications are received by the Board. In the event the Board receives two or more applications on the same day, the right of an Owner to lease his or her lot within the 25% allowable under subsection (b) shall be determined by priority on the basis of record ownership date; and the Owner first in record ownership shall have the priority and right to lease his or her Lot over an Owner of subsequent recorded ownership; provided, however, that should an Owner of lower priority already be leasing, his or her Lot, an Owner prior in record ownership shall not have the right to supersede or supplant such current lease, but must await the next available vacancy within the allowable twenty-five percent (25%).
- (d) The provisions of this Section 14 shall not be binding, upon any Owner of record title as of, or residence lot lease existing on, the recordation date of this amended Declaration.
- (e) Any Owner shall have the right, on good cause evidenced in writing to the satisfaction of the Board of Directors, to lease his or her lot for a

limited term subject to the provisions of subsection (a) of this Section 14, if such Owner represents that he or she shall return to the lot within a reasonable time and again take possession as resident Owner; and such limited lease shall be permitted by the Board without regard to the twenty-five percent (25%) maximum set forth in subsection (b) of this Section 14; provided, however, that the Board of Directors must have first approved of such lease in writing, as described in subsection (f) of this Section 14, in order to verify the representations made by the requesting Owner.

- (f) Leasing procedures shall be as follows:
- (1) Each Owner shall have the right, upon written application (notice) delivered to the Secretary of the Association, to appear before the Board of Directors and request the right to lease his or her lot
  - (2) The Board of Directors shall prepare a list of all Owners currently leasing their lots, which list shall include the Owner's name, mailing address, lot number or address, record date of ownership, and lease term; and such list shall be made available to all Owners upon request
  - (3) The Board shall also prepare a "waiting list" of those Owners who have applied for approval to lease their lots, which list shall include the Owner's name, mailing address, lot number, date of application and record date of ownership.
  - (4) Any Owner desiring to lease his or her lot shall submit such application in writing to the Board of Directors, which application contain the following information: Owner's name, mailing address, lot number or address, and record ownership date; proposed lease term; identity of tenants intended; and any other information which the Board of Directors may reasonably require from time to time, by written notice to the Owners.
  - (5) Within thirty (30) days of receipt of such application to lease, the Board of Directors shall review such application, and approve or disapprove of the request in writing delivered to the requesting Owner, which, if the request is disapproved, shall specify the exact reason or reasons therefore
  - (6) If the lease requested is disapproved, the Owner concerned shall have the right of rehearing, upon written notice to the Board of Directors, at its next regular meeting, or as otherwise agreed upon between the parties. The Owner shall have the right to appear at the rehearing and present his or her case; and on termination of such rehearing, the Board shall deliver its written findings to the applying Owner within ten (10) days thereafter; and if the application is again disapproved, the Board shall specify the reasons for such disapproval.

(7) The decision of the Board of Directors in approving or disapproving an application of Owner to lease his lot shall be absolute and binding, unless in clear violation of this Section 14.

(8) Each Owner leasing a lot pursuant to this Section 14 shall be strictly responsible and liable to the Association for the actions of such Owner's tenants in or about all residence lots and the common area and for the tenant's compliance with the provisions of the governing documents.

**PROCEDURE FOR SECURING APPROVAL TO LEASE**

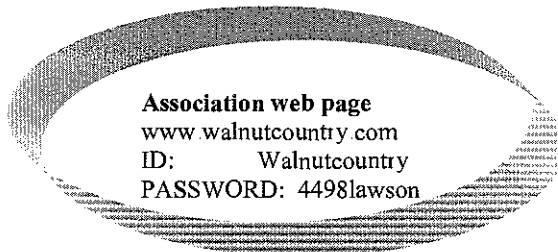
Contact the Business Office, 4498 Lawson Ct., and (925) 687-9961, to obtain a Facility Usage Transfer Form. The completed form, a copy of the proposed lease and a \$25 fee are to be submitted to the Onsite Manager to obtain the approval of the Board of Directors at the next regular meeting and within 30 days of the date of submission. If the application is denied or should it be necessary to add the lot to the waiting list, the homeowner will be notified in writing within 10 days of the Board meeting date.

If you have any questions about the procedure, the Onsite Manager will be able to assist you.



**SOME USEFUL TELEPHONE NUMBERS**

- Astound**.....459-1000
- AI & T Broadband**.....(800) 870-5140
  
- City of Concord**
  - Abandoned Vehicles ..... 671-3259
  - Building Division.....671-3276
  - Building/Neighborhood Services.....671-3370
  - City Hall..... 671-3000
  - Neighborhood Preservation..... 671-3282
  - Public Works Maintenance Services.....671-3132
  - Streets & Sidewalks.....671-3050
  
- Concord Disposal**.....682-9113
  
- Contra Costa County Animal Services Department** ..... 646-2995
  
- Contra Costa Water District**
  - Billing.....688-8044
  - Emergency.....674-8095
  - Holidays-Nights-Weekends.....689-7921
  
- Cowell HOA**
  - Business Office ..... 687-9961
  - Clubhouse ..... 825-0250
  - Preschool.....798-9686
  
- HBM, Inc**.....687-1855
  - Billing.....Ext 22
  - Realtor/Lender Info.....www.condocerts.com
  
- PG&E**.....(800) 743-5000
  
- Police (Non Emergency)**.....671-3333
- Provident Security**.....(888) 919-7070
  
- SBC**
  - Billing.....(800) 310-2355



# **COWELL HOMEOWNERS ASSOCIATION, INC.**

**4498 Lawson Court  
Concord, CA 94521**  
(925) 687-9961/Business Office  
(925) 825-0250/Clubhouse

## **FACILITY RULES & REGULATIONS Club Walnut Country**

(Effective January 1, 2003)

**This document contains the Rules & Regulations for our Association. Please review these rules with your family and retain them for future use and reference. We will not be reissuing the pool rules each season but will ask that you refer to your master rules as a refresher each season. These rules may be modified or supplemented from time to time by the Board of Directors and you will be notified of these changes.**

**The Rules are not intended to replace any of the Association's governing documents (the Articles of Incorporation, Bylaws and the Covenants, Conditions and Restrictions [CC&R's]). The Board of Directors encourages you to become familiar with the Governing Documents and refer to them for any specific information you may need.**

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## **COMMON AREA RULES**

The Common Areas include the main Clubhouse, surrounding lawns, landscaping, swimming pools, greenbelt, tennis courts, playgrounds, etc. Each homeowner has a vested interest in the Common Areas. Please give these areas the same pride of ownership and care that you and your family give your own home. All members share the authority to enforce the rules and are responsible for the actions of the members of their families as well as those of their guests.

### **Curfew**

Curfew for all outdoor common areas and facilities is 10 p.m. year-round.

### ***No reserved usage of the park, pools, or tennis courts***

No group may reserve any area of the park, greenbelt or pool for a private function. Homeowners may use greenbelt areas for their private parties or gatherings, but the area may not be reserved or set aside as unavailable to other members and their guests.

### ***Organized sports***

Except for Association-sponsored activities, *organized* baseball, football or other games of this type are not allowed on the Greenbelt common areas. Playing catch and informal games *are* allowed, but informal play with hard balls, such as hard golf balls or baseballs is not. For any allowable activity, every attempt must be made to protect the landscaped areas.

### ***Dangerous activities***

Activities that might cause injury to persons or property, such as archery, golf, hardballs hit with a bat, combustible model rockets and other conceivably dangerous activities are not allowed on the greenbelt.

### ***Trees & plantings***

Climbing trees is strictly prohibited. Should a tree be damaged or killed by such an activity, the homeowner responsible will be billed for a replacement or for the resulting tree work required. Homeowners are not authorized to plant, prune, adjust or remove association plantings on the Common Grounds. Requests for landscape work should be directed to Association management.

### ***Water systems***

Only members of the landscape maintenance service company are to do work on the irrigation system. Any reports of problems with the irrigation system or for improvements or changes to the system should be directed to Association management. In the case of an emergency, follow the Association-defined emergency procedures. Members are asked not to call the landscape service company directly.

### ***Bicycles, tricycles, scooters and the like***

Bikers and skaters are requested to go slowly on the pathways and to note that **pedestrians always have the right of way**. Children under the age of 18 must wear a helmet. Bike ramps or informal raceways are not allowed on the Greenbelt.

### ***Skateboarding/rollerblading***

Skateboarding/Rollerblading is not allowed in the Clubhouse building complex, inside the pool areas, or on any of the tennis courts. Skaters are restricted to the paths on the greenbelt or the city sidewalk areas. Skaters must not skate over turf, plantings or other landscaped areas. Skateboard ramps are not allowed to be built, used or stored on the common areas.

### ***Motorized vehicles***

Only On-site Business Manager, other Association management or staff, private security officers or disabled persons using authorized vehicles may use motorized vehicles in the common area.

### ***Alcohol usage on the facilities***

The consumption of alcohol is prohibited in the Clubhouse, on the Greenbelt, tennis courts, and basketball courts except during a pre-registered, approved activity. Security is authorized to check the identification of anyone possessing an alcoholic beverage on Association property. They may then take action as necessary to enforce the Association rules and applicable laws. Persons under 21 are prohibited possession of alcohol in any common area.

### ***Glass containers***

Glass containers are prohibited in the Clubhouse (with the exception of authorized parties or events), on the Greenbelt, at the tennis or basketball courts, at the swimming pools and throughout the common areas.

### ***Combustion vehicles***

Operation of noise-producing combustion model vehicles is prohibited in the common areas. This would include any model car, airplane, or rocket that uses a combustion engine.

# ACTIVITY BADGES & KEYS

Members and their guests must display valid Activity Badges when using any of the recreation facilities of the Association, including the Clubhouse, swimming pools, tennis courts, basketball courts and the Dog Park.

## ***Member Activity Badges***

1. Member and guest badges can be purchased year round at the Clubhouse. Members must show proof of Association homeownership to purchase Activity Badges.
2. Adults may purchase resident photo ID badges for all family members living at the property over the age of 4 years. Children under the age of 16 will be issued Youth Activity Badges. These youth badges may only be purchased by parents, again, with proof of Association homeownership..
3. Badges are to be prominently displayed by members and their guests when using the facilities. Badges may be worn on clothing, bags, towels or other items, but should be clearly visible.
4. The price of new and replacement badges is subject to change.
5. Members are responsible for keeping their membership information up to date with the Association and need to be in "good standing" in order to use the facilities and purchase Activity Badges..

## ***Guest Activity Badges***

1. A maximum of five guest badges is available for purchase by any member household. Guest badges will be numbered to identify the member hosting them.
2. Guests may not use the facilities unless accompanied by a member. The maximum number of guests a member may sponsor at one time and one place may vary with the facility being used. See the specific requirements under the information for each facility.
3. Members are always responsible for the actions of their guests.

## ***Youth Activity Badges***

1. A parent or legal guardian must purchase a Youth Activity Badges for children under 18 years of age.
2. Use of some facilities, e.g., the Clubhouse exercise room or the swimming pools, by unsupervised minors is subject to special age restrictions and other qualifications. The specific requirements are discussed with the rest of the rules for a particular facility.

## ***Keys for Facilities***

1. The swimming pools, the tennis courts and the dog park each have separate keys. These can be purchased at the Clubhouse office.
2. Only adults with proof of Walnut Country residency can purchase keys. No exceptions.

# TENNIS COURTS

All persons using the tennis courts do so at their own risk and responsibility. The cost to repair any property damage cause by a member or guest will be charged to the responsible member.

## **Guests**

Each member may extend the use of the tennis courts to no more than three guests at one time, and the sponsoring member must be present on the court.

## **Attire**

1. Tennis shoes must be worn at all times on the courts.
2. Members and their guests are encouraged to wear tennis attire that will not prove to be offensive to other players and their guests.

## ***Limitation of play and other rules***

1. Only the Recreation Manager, tennis pro or leaders of the Walnut Country-sanctioned tennis teams may reserve court times. Announcements for scheduled tournaments or other reserved events should be posted at least one week prior to the event.
2. Tournaments may be scheduled only by the tennis pro or Recreation Director. Notice of tournaments is to be posted at least one week prior to the tournament to alert other players that the courts are reserved.
3. One player may not hold an open court if two or more people are waiting.
4. Players waiting for a court should not leave the gate area. The area inside the fence is restricted to players only. Waiting players and spectators of all ages are requested to remain outside the fenced area.
5. All sessions are limited to one hour maximum if others are waiting to play. If no one is waiting for the court, players may continue beyond the one-hour limit until the next court occupants arrive, at which time the court must be vacated.
6. Loud talking, shouting, radios, abusive language, hitting balls against the fences and other practices annoying to other players or other persons in the area are not permitted.
7. Singles players are urged to invite waiting players to join them in a doubles game.
8. No pets, food or beverages, glass, equipment, wheeled vehicles, skates, rollerblades or other objects that damage the court surface are allowed within the court areas.
9. Gates should be opened only to enter the courts areas. *Players should ensure that gates are closed and locked upon leaving.*
10. The curfew for the lighted tennis courts is 10 p.m. Players are asked to turn off the lights when leaving lighted courts.

## ***Tennis leagues***

With the approval of the Board, Association members may sponsor tennis leagues involving tournaments with other non-homeowner teams. Such tournaments must be approved by and scheduled with the Recreation Manager and approved by the Board. Notification of scheduled tournaments is to be published in The Signal.

Residents interested in joining one of the Association-sanctioned teams should see the Tennis Pro or the Recreation Manager. Disputes regarding team membership or participation may be taken to the Board.

## ***Lessons***

1. Only members or their guests are allowed to sign up for Association-contracted tennis lessons.
2. The Association-contracted Tennis Pro is the only person authorized to give paid instruction on any tennis court. No exceptions.
3. Dates and times of scheduled group lessons are to be printed in the Association newsletter to notify others of this activity.



# SWIMMING POOLS

## *Season Dates and Times*

### Main Pool

The main pool is open annually May through September. This pool is used by the Walnut Country Swim Team for both practices and for meets. Dates and times for swim team meets, swim team practice and open swimming for the membership are published in The Signal.

### East & West Pools Dates and Times

The side pools are open from Memorial Day weekend through the resumption of the Mt. Diablo School District in September. Hours of operations are published in The Signal.

## *Access to Pools*

Gates to the pools are chain locked over night during open seasons. When a gate is not chain locked and it is within the hours of normal operations, the pool is open to residents under the rules that follow. Lifeguards are scheduled by the Recreation Director under the authority of the Board, but members need to understand that **lifeguards may or may not be present during normal hours of operations for various reasons, including that of inclement weather.**

1. Access to pools is restricted to Association members and their guests only.
2. Pool gates must be closed and locked at all times. Climbing the fences is strictly prohibited.
3. All member groups must own and have in their possession a pool gate key to access pool areas.
4. All members and their guests must have valid Activity Badges clearly visible when using pool facilities.
5. Members using a pool must sign in on the pool sign-in sheet for themselves and other members of their party.
6. Access to the main pool from the Clubhouse doors leading to the pool or the balcony is prohibited.
7. **Youths under the age of 14, with or without badges, are not allowed into the pool areas unless there is a parent or guardian in attendance or a lifeguard on duty.**
8. Guests who are at least 8 and under 18 years of age who pass the swim test (see below) and have written parental authorization from their parent or guardian will be given "guest youth swimmer" status and may accompany a member who has swimmer status without a parent in attendance **when a lifeguard is on duty.**
9. If a lifeguard is not present, members are advised not to swim alone, but to use the buddy system.

## *Guests*

1. Generally, each member may extend the use of the pool to no more than five guests per day.
2. The sponsoring member must be present the entire time their guests are in the pool area.
3. If more than five guests are expected for a single day, special day passes may be purchased. Contact the Recreation Director for information about these special day passes.
4. An adult member must supervise guests under age 18 unless they have taken the swim test and have a waiver signed by their parent or guardian on file with the Association and a lifeguard is on duty.
5. Guest Swimmer Status: Guests who are between 8 and 18 years of age who pass the swim test (see below) and have written permission from their parent or guardian will be given "guest swimmer" status and may accompany a member who has a swimmer status without a parent in attendance when a lifeguard is on duty.
6. Without an adult in attendance, youth swimmers may only host guests, ages 8-18, who have guest swimmer status. This assumes that a lifeguard is in attendance or that both the youth member and the guest are older than 14.

## ***Swim Tests for Youth Swimmers, both Members and Guests***

Swim tests are given by lifeguards to members under the age of 18. For safety reasons, swim tests will only be offered during rest period. The swim test includes:

1. One lap each of freestyle
2. One lap of backstroke
3. One minute treading water
4. One minute floating on the swimmer's back.

Member youths who pass the swim test should obtain a Swimmer's Badge. Guests who pass the test should obtain a special Guest Youth Swimmer Badge.

## ***Swim Lessons***

Swim lessons are offered at one or both of the side pools in the mornings by authorized staff. Specific dates for the sign-ups for lessons are published in the Association newsletter. Members may also contact the Recreation Director for swimming lessons information. **Only authorized, Association-approved swimming lessons for a fee are to be given at the Association pools.**

## ***Lifeguards***

Members and their guests must be aware that they swim at their own risk at the pools. Certified lifeguards are employed by the Association to be stationed at pools as available and as scheduled. Members and their guests must follow instructions from the lifeguards enforcing rules. Members and their guests should try to communicate with lifeguards only when absolutely necessary. This will minimize distractions. The lifeguards have the discretion to stop any activity that interferes with the general enjoyment of the pools. See the "Access to the Pools" section above for the rules about children requiring the presence of a lifeguard before using the pools.

## ***Rest Periods***

With a lifeguard in attendance, youth swimmers under the age of 16 must exit the pool when the lifeguard announces Rest Period. Typically, Rest Periods are 15 minutes in length, once per hour. During this period, youth swimmers are not to be in the water nor near the edge of the pool. Lifeguards may temporarily leave the pool areas during Rest Periods as part of their break. Infants under the age of four in the arms of parents or guardians are not required to leave the pool during these periods.

Rest Periods are not applicable to the Wading Pool next to the main pool; however, as the next section explains, only children five years and younger who are actively supervised by an adult are allowed in the Wading Pool.

## ***Main Pool Wading Pool Rules***

The Wading Pool at the Main Swimming Pool area is for the exclusive use of children five years and younger. No exceptions. Because lifeguards at the main pool are stationed where they can be primarily attentive to the main pool only, adults must be sitting on the edge of the Wading Pool or be within arm's length of any children they are with. There is no diving allowed, and flotation devices are allowed on children at the Wading Pool at the discretion of the lifeguard. These and other rules are posted near the pool at all times and must be followed. Rest Period is not applicable to the Wading Pool.

## ***Other Miscellaneous Pool Rules***

The following rules are designed to promote the health, safety and enjoyment of all members and their guests when using the pools, and at the same time, to maintain the pools and Association facilities in the best possible condition. Please remember: No set of rules can substitute for good judgment and thoughtful consideration by the members.

1. Adult members are responsible for children in their care. An adult must be in attendance with all children less than 8 years of age at all times. Proper supervision requires the parent to be within arms' length of the child they are supervising.
2. Adults are responsible for the toileting of children in their care. Infants and toddlers must wear swim diapers.

### ***Other Miscellaneous Pool Rules (continued)***

3. Persons with an active infection, such as a cold, or with a skin disease or other communicative disease should not enter a pool.
4. Do not let children place their arms, legs and hair into any pool drain areas.
5. No running or horseplay in the pool areas. This includes diving, cannonballs, jackknives, back flips, dunking, roughhousing and pushing other people in the pool.
6. No unreasonable noise on the deck. This includes shrieking, screaming and loud music. Lifeguards have the discretion to stop any activity that interferes with the general enjoyment of others at the pools.
7. Portable radios are allowed in the pool area, but the volume must be kept at a reasonable level to avoid disturbing other pool users or nearby homes. Also, music must be in accordance with the Association's family nature and its limitations on profanity, etc. on Association grounds. Lifeguards will enforce volume and suitability limits.
8. No profanity or abusive language.
9. Floatation and support devices are allowed at the discretion of the lifeguard & only at the deep end of the pool.
10. Only beach balls are allowed and at the discretion of the lifeguard.
11. Swim attire is required of all those on the deck area. No cutoffs allowed. Street clothes are not to be worn in the pool.
12. All swimmers are requested to shower before entering the pool, especially if wearing suntan oil.
13. County Health Ordinances do not allow animals or pets of any kind, with the exception of guide dogs, in the pool areas or in the pools.
14. Food and drink may be consumed on the deck area at a distance of 5 feet from the pool's edge. **NO GLASS** of any kind is permitted. Alcoholic beverages are restricted to persons 21 or older. Trash is to be disposed of in trash receptacles provided at the pools.
15. There is no smoking within the fenced areas at our swimming pools.
16. No bikes or skateboards are allowed inside the pool areas.
17. Bathrooms are to be kept clean by members and guests. Any problem with a bathroom should be reported to the lifeguard immediately. Mops kept near bathrooms are to be used by members or guests to mop excess water from bathroom floors.
18. Only the pool manager is authorized to adjust the pool equipment, temperature and chemical levels.
19. Lost and found items will be held at side pools, the main pool or at the Clubhouse. They may be disposed of after 30 days if not claimed.

# CLUBHOUSE

## ***Usage***

1. The Clubhouse is open to all members in good standing of the community.
2. Activity cards are required to check out equipment.
3. Youths wishing to use the clubhouse during normal school hours must have parental authorization.

## **Guests**

Members are allowed to bring a maximum of two guests to the Clubhouse. Members must accompany their guests when using the facilities and are responsible for their guest's actions.

## **Restrictions**

1. Smoking is not allowed in or near the entrances to the Clubhouse or along the paths that lead to the Clubhouse, except in the case of a party rental. In this case, smoking is allowed only on the West balcony, and only if the smoking receptacles provided are used.
2. No food or drink is allowed in the pool table area.
3. No alcoholic beverages are allowed in any area of the Clubhouse, with the exception of a rental event or Association sanctioned activity, e.g., the Seniors Group potluck dinners.
4. Shirts and shoes must be worn at all times in all areas of the Clubhouse.
5. Swimwear will be worn downstairs only.
6. No animals, except guide dogs, allowed in the Clubhouse.
7. No bicycles, skates, scooters, skateboards and the like are to be used in or near the Clubhouse. Bike racks are available outside. Use of skateboards, roller blades and the like are strictly prohibited on the steps that lead to the front of the Clubhouse, the paths that lead to the front of the clubhouse, or any areas adjacent to the Clubhouse.
8. No entry is allowed for any person carrying a knife or other weapon.
9. No betting or gambling of any kind is allowed at the clubhouse.
10. Swearing of any kind is prohibited.
11. Equipment is not to be misused. Report problems with equipment to staff immediately.
12. All equipment checked out must be returned prior to leaving the building
13. Cooperate with the instructions of the Association staff. Verbal or physical harassment of the staff will not be tolerated and may lead to penalties as defined in a later section of these Rules.

## ***Pool tables***

1. Use of the pool tables is limited to youths 12 years and older. A mini table is provided for those under 12.
2. Use of the pool tables is limited to 30 minutes when other players are waiting.
3. All equipment is checked out through the recreation staff and must be returned to them when play is completed. Players are requested to report any faulty or damaged equipment.
4. No sitting on the pool tables or the pocket areas.

## ***Exercise Room***

1. Youths must be 16 years of age to use the Clubhouse Exercise Room.
2. Everybody planning to use the Exercise Room must sign a liability waiver **prior to using any equipment**. A parent or guardian must sign a waiver for a member under 18 years of age. Not following this rule is considered a "Major offense" as define later in these rules.
3. Guests in the weight room must be 18 years of age. Members may only bring one guest at a time to the Exercise Room.
4. Exercise Room users must check in and out through the Recreation Office. This procedure is necessary for your protection and safety.
5. The room should be locked when not in use.
6. Members should report any unsafe or non-working equipment to the Recreation office and ask that the equipment be given a sign to warn others.

# **BASKETBALL COURTS, PLAYGROUNDS AND PICNIC AREAS**

## ***Basketball Courts***

1. No alcohol or glass containers allowed
2. A maximum of four guests allowed for every homeowner displaying a valid Activity Badge. Each guest must also display a valid guest badge.
3. Play is limited to 30 minutes when others are waiting.
4. When multiple groups of different age groups are present, half court games are encouraged.
5. Curfew is 10 p.m. No exceptions.

## ***Playgrounds***

1. No alcohol or glass containers allowed.
2. Members should be prepared to show their photo ID badges when using playgrounds.
3. A maximum of four guest per homeowner with valid Activity Badge.
4. Use of equipment may be restricted to an age group. Members and guests are asked to use their best judgment here.
5. Members may not reserve use of a playground or portion of one nor restrict use of equipment by others, except in the case where in the opinion of the member use of the equipment is improper..
6. Curfew is 10 p.m. at all playgrounds. No exceptions.

## ***Picnic Areas***

1. Picnic tables and areas cannot be formally reserved in advance. Use of these facilities is on a first-come-first-serve basis.
2. At least one homeowner should be present at an event at all times and should have a valid Activity Badge.
3. Homeowners are responsible for cleaning up after themselves when use of a picnic area is completed. If at all possible, members are asked to remove debris from the area, rather than fill trash cans to the brim.

# **PETS AND THE DOG PARK**

## ***Pride of Ownership***

The Greenbelt common areas are designed to be play areas for the children of the community. Dog and cat owners must be responsible for their pets and take whatever steps are necessary to assure that the lawns and landscape areas are not littered. In other words, members and guests must pick up after their animals.

## ***Leash Policy***

A Contra Costa County leash law is in effect in the Greenbelt and Dog Park areas. Dogs must be on a leash at all times on the Common Property, with the exception of the off-leash Dog Park at the East end of the development. No pets shall be allowed to run loose on the Greenbelt.

## ***Animal Control***

Contra Costa County Animal Control officers are authorized to enter the Association Common Property to deal with dogs off a leash or of concern to our members for any other reason.

## ***Dog Park at the East Entry***

The following rules shall apply to the Dog Park located at the East end of the development.

1. Only members displaying valid Activity Badges and their dogs are allowed to use the Dog Park. Guests of members must accompany the member and are also required to have a guest badge.
2. Gates must be closed and locked when not in use. Members should report any problems with gates or locks to the Business Office immediately. Only members in good standing with the Association are allowed to possess or use a key to the Dog Park
3. No aggressive animals are allowed at any time. Dogs displaying aggression against other dogs or people must be leashed and removed from the Dog Park immediately.
4. Dogs must be supervised at all times while in the Dog Park.
5. All persons while using the Dog Park must have a leash in their hand.
6. All dogs must be under voice command at all times.
7. All dogs must be current on their shots and vaccinations.
8. All dog feces must be removed immediately and placed in a trash receptacle.
9. Dogs must not be allowed to dig holes or damage the turf. Containers of soil are found at the Dog Park. Members are encouraged to fill holes made by dogs.
10. No team or organized sports are allowed in the Dog Park.
11. Use of the area after dark is not recommended, as there is no lighting.

# **INFRACTIONS AND PENALTIES**

## ***General Guidelines***

The common areas and recreation facilities of the Association are, subject to the rules established for their use, available to all members of the Association who are in good standing. Members who are not in good standing as a result of assessment delinquencies, architectural violations or other board-imposed penalties are not eligible to use the facilities or participate in Association sponsored programs.

## ***Minor Infractions***

Minor infractions of the Rules are defined as a violation of defined and published rules of the Association. This includes not cooperating with the instructions of Association staff. The first time such an infraction or offense occurs will generally result in a warning. This will be followed by the offender being "benched" or prohibited from using a particular facility for a period of time.

## ***Major Infractions***

Major infractions of Association rules include:

1. Repeated failure to follow Association rules and regulations.
2. Intentional damage to Association property
3. Removing Association property without permission
4. Confrontations, either verbal or physical, with Association staff or private security employed in the Clubhouse, at the pools or in other common areas. NOTE: Staff are required to report all confrontations to the Association management.
5. Climbing fences or railings around pools or other facilities.
6. Entering pools or other Association facilities outside of designated operating hours.
7. Failing to cooperate with organized Association events such as youth sports events or swim team events.
8. Failing to properly supervise children or guests as they use Association facilities.

## ***Restrictions and Penalties***

Commission of a major infraction will result in the offender being prohibited from using the facilities for one or more days. This may, as necessary, be followed by the staff member referring the member to Association management or the Board of Directors for more serious action, such as extended facility use restrictions or other penalties that the Board may decide after a hearing with the member.

## ***Financial Liability***

Any member who damages or destroys Association property, including buildings, fixtures and landscaping, is responsible for the cost of repairing the damage. Members are financially responsible for the actions of their guests.

## **FACILITIES USAGE, RESERVATIONS AND RENTALS**

Association facilities are primarily for the use of members of the Cowell Homeowners Association, Inc. Approved activities would include normally accepted recreation, social or cultural activities.

### **Rentals of the Clubhouse or Preschool**

Only members of the Association in good standing may rent the Clubhouse and/or the Preschool for private functions. For detailed information on renting the facilities please contact the Recreation Manager at the Clubhouse.

### **Community Groups**

Community or Civic Groups wishing to use the Clubhouse or other facilities for meetings or activities must meet the criteria specified in the clubhouse rental policy document, including that most members be residents of Walnut Country and that the contact sponsor be a member and plan to be present at all events for his or her group.

### **Organized Teams or Competitions**

Association members *may not* individually organize or sponsor sports teams or leagues or other activities to play or practice at Association facilities without the permission of the Recreation Manager and the Board of Directors.

### **Profit-making Activities**

**No part of the facilities shall ever be used or authorized for use, directly or indirectly, for any business, commercial, mercantile, vending or other profit making purpose except as specifically stated in the following:** Official committees of the Cowell Homeowners Association may sponsor moneymaking activities to benefit their committee in and around the clubhouse as follows:

1. If an outside organization or individual (to include homeowners acting as an agent for an organization or company) **IS NOT** involved the committee can act without specific Board approval.
2. If an outside organization or individual **IS** involved that has been solicited by the committee and does not stand to make a profit above a reasonable payment for time and materials, then the event does not have to be approved by the Board.
3. Under any other conditions, Board approval must be obtained before the event can be scheduled.

### **Lessons or Classes**

Lessons or classes handled by independent instructors and conducted using the Association facilities in any way will be governed by the following policies:

1. The Recreation Director must approve instructors or teachers solicited or sponsored by an Association Committee, and who will be reimbursed from revenues based on the number of participants and paid by the participants. Any such instructor must pay a 30% fee back to the Association, must carry their own insurance, and must pay their own payroll taxes. The Recreation Director will establish actual charges for class participation.
2. Instructors or teachers solicited by or sponsored by an Official Association Committee or the Recreation Director, and who will be reimbursed a predetermined flat rate to teach a class or activity, will not be considered under this section. This situation or anything close to it will be considered employment and must be handled accordingly.
3. Instructors or teachers may apply directly to a Committee or the Recreation Director if they feel that they have something to offer the members. The Committee or Recreation Director must then choose to sponsor the instructor to the Manager.
4. All advertising for Instructors' classes will be coordinated through the Association staff.
5. No fee-based lessons of any kind, e.g., swimming lessons or tennis lessons, may be given at Association facilities unless approved by the Recreation Manager or the Board of Directors.