

Rules for Bella Beach

January 25, 2008

Introduction

The Bella Beach HOA has adopted a number of rules in addition to the community CC&Rs and By-laws.

The rules are a living document and will be updated as necessary to address the ongoing and changing needs of the Bella Beach community. We welcome your input on the rules and all other aspects of Bella Beach. A Feedback and Contact List is maintained on the Bella Beach website at: <http://www.bellabeach.org/contact/>

As a community that has enjoyed rising popularity in the past few years, we have experienced some growing pains.

These rules are a response to homeowner concerns about a variety of community and livability issues. They are intended to help set expectations for owners and renters, prevent problems, and provide a framework under which problems can be addressed.

Likewise, the fines associated with rules violations are intended as a preventative measure. They are not a revenue source for the HOA. The Board anticipates very few fines will be levied, hopefully none.

As with any set of rules for a community, monitoring and enforcement are important. At Bella Beach, homeowners, property management companies and the HOA share these roles.

Property management companies are responsible for the active monitoring of renters and rental properties.

The HOA provides security during the busiest times of the year. HOA security is a not intended to actively monitor for rules violations. However, if (and only if) there is a problem or complaint, then security services have the right to determine if occupancy rules or other rules have been broken. As we discovered during the summer of 2006, having visible security is very effective at preventing problems. We anticipate the cases where HOA security is required to investigate or intervene in a situation will be very few and far between.

Frequently Asked Questions

The Board of Directors maintains a list of answers to frequently asked questions related to the rules and CC&Rs on the Bella Beach website. The list is available at: http://www.bellabeach.org/bylaws_ccrs/files/rules_faq.html

Rules for Homeowners

A. Emergency Contact Information

All HOA members are required to provide mailing addresses and other contact information in writing to the HOA. This information will be used for notification purposes in the event of an emergency or other property-related issue.

Required Information:

- Bella Beach Lot Number
- Bella Beach Street Address
- Owner's Name
- Owner's Mailing Address
- Owner's Telephone Number
- Designated emergency contact name and phone number (if different from above)
- Is the home rented full or part-time (yes/no)
 - If yes, Name of property management company, Maximum occupancy number, pet friendly?

Optional Information:

- Owner's Email Address
- Alternate Phone number(s)

HOA members may choose to list their rental/property management company as their preferred emergency contact.

Owners may also 'opt-in' to having some or all of their contact information available in a password-protect section of the www.BellaBeach.org site. This section will be available only to other HOA members.

HOA members have until May 1, 2007 to return the contact information form¹ fully completed to the HOA at P.O. Box 1035, Gleneden Beach, Oregon 97388.

Failure to submit the contact information form by May 1, 2007 will result in a \$50 per month fine. Failure to keep the information up to date (i.e. if there is a problem and the information provided is no longer valid) will result in a \$50 fine.

New owners have 90 days from closing to return the contact information form fully completed to the HOA at P.O. Box 1035, Gleneden Beach, Oregon 97388.

¹ A copy of the contact form was included with the initial mailing of the rules. The form may also be found online at: www.BellaBeach.org/directory/

B. Community Rules

- 1) Maintain quiet hours between 10:30 PM and 10 AM
- 2) Maintain reasonable noise levels at all times
- 3) Hot tubs may be used only between the hours of 8 AM and 10:30 PM. Please note that quiet hours remain in effect until 10am and regulate hot tub usage accordingly.
- 4) Parking
 - i) Parking of RV's, trailers, campers, and boats is not allowed in Bella Beach at any time. Over-sized vehicles may be accommodated at the Sea and Sands RV park located just south of Bella Beach on Highway 101. Contact Sea and Sands for additional information.
 - ii) Do not block access to trails on the Bella Beach property.
 - iii) Do not park within 10 feet of any fire hydrant.
 - iv) Do not block any fire lane (a 20 foot clearance must be maintained on all roads at all times)
- 5) No organized gatherings, weddings, receptions or reunions are allowed in any of the parks or common areas.
 - i) An organized gathering is:
 - (1) where there are more than 20 people in attendance, and/or
 - (2) there is catered food and/or
 - (3) there are rented tables, chairs or tents and/or
 - (4) amplified music
- 6) Pet Rules
 - a) Pets must be on a leash in all public areas of Bella Beach
 - b) Owners are responsible for cleaning up after their pet
- 7) Beach Rules
 - i) Beach access via stairs only
 - ii) Cleanup after your pet
 - iii) Cleanup after yourself – if you bring it to the beach, take it back with you
 - iv) Help protect the sea wall – no climbing or digging
 - v) Don't turn your back to the ocean
 - vi) Watch out for rolling logs & sneaker waves

C. "For Sale" Signs

As per the CC&Rs, one (1) 'For Sale' sign is permitted in the front yard or in a window. All signs must meet Bella Beach HOA specifications as defined below.

1. Yard Sign Specifications:
 - Length: 24 inches
 - Height: 9 inches
 - Top of sign: 24 inches off grade
 - Materials: Wood, vinyl or high-density urethane
 - A "flyer box" is allowed to be attached to one of the sign support posts
2. Window Sign Specifications:
 - Length: 36 inches
 - Height: 24 inches
3. Sign placement: Yard signs must be placed on the property for sale. Signs may not be placed in any of the Bella Beach common areas. Signs may not be placed at the entrance to Bella Beach.
4. One additional 'Open House' sign is allowed for the duration of the open house only.

5. From the mailing date of these rules, realtors and owners will have 30 days to comply before enforcement of the rule begins. After this 30 day period, signs not meeting Bella Beach specifications will be removed and the realtor and homeowner notified. Confiscated signs will be held for pickup by realtor for five days. After that time, they will be recycled.
6. Once the rule is in effect (after initial 30 day period), home owners or realtors placing new signs that do not meet Bella Beach specifications will be notified. If infracting signs are not removed or replaced within 72 hours, they will be confiscated by HOA management. Confiscated signs will be held for pickup by realtor for five days. After that time, they will be recycled.
7. Repeat violations will be subject to confiscation and a \$250 per occurrence fine to the homeowner.

D. Satellite Dishes and Other Antennas:

- 1) Satellite dishes with a diameter of one meter or larger require the approval of the Homeowners Association prior to installation. The concern of the Association is to minimize the aesthetic impact of the dish on the neighborhood.
- 2) FCC regulations have nullified HOA conditions placed on smaller satellite dishes and other communications antennas. However, owners are asked to voluntarily place dishes and antennas in inconspicuous locations, in order to minimize the negative impact on the neighborhood. Bella Beach is appreciative of residents who voluntarily follow these guidelines:
 - a) Painting the dish a dark gray color does not affect the reception and renders the dish inconspicuous.
 - b) Dish should not be visible from front of house.
 - c) Dish should not be placed so that top edge is higher than top of house.
 - d) Dish should be attached to main structure of house or garage (Not on a pole, post, fence, etc.).
 - e) Dish should be placed where it will be the least visible to surrounding Bella Beach houses.
 - f) Review of proposed placement by Architectural Review Committee

Rules for Homeowners Who Rent Their Homes

A. Occupancy, Pets and Parking

1. Occupancy Rule: Homeowner's who rent their properties shall designate the maximum occupancy for their rental home. The sleeping or nighttime occupancy of rental homes shall be limited to the number of persons that has been designated by the homeowner. That number will become the legal maximum number of overnight guests for the home. In any event, the maximum number that can be in any home is the number of bedrooms times three (for example, a three bedroom home could designate its occupancy to be not more than 9 persons). However, a homeowner may designate a larger number upon the approval of the Board of Directors.
2. Homeowners may designate their home to be "pet friendly" and allow up to 2 dogs on their property.
3. Parking is limited to the number of automobiles that can be parked off-street (garage, driveway, and alleyway parking spots) plus one (1) additional automobile parked on-street. Off-street parking areas should be utilized before on-street parking.

B. "For Rent" Signs

As per the CC&R's, permanent "For Rent" signs are not allowed in Bella Beach.

This includes any sign that includes one or more of the following:

- The name of a property management company
- A website address or phone number
- Wording indicating that the property is available for rent or lease

This rule is not intended to restrict "house name" signs that do not indicate that the property is available for rent.

Homeowners with existing rental signs on their property will have until May 1, 2007 to remove existing signs before enforcement begins.

Signs remaining after May 1, 2007 will result in a fine of \$50 per day to the homeowner.

New signs placed after May 1, 2007 will result in homeowner notification with 72 hours to remove. After that time, the \$50 per day fine will apply.

Temporary "For Rent" signs are allowed by the CC&Rs. A temporary sign is defined as meeting the following requirements:

- Transportable (i.e. not attached to a house, post, railing or other permanent structure. "A-frame" display signs are an example of a transportable sign.)
- Limited Display Time (Temporary signs may not be displayed for more than 7 consecutive days and may not be left out overnight.)
- Temporary signs may not be placed in any of the common areas or at the entrance to Bella Beach.

All temporary signs must be approved by the Architecture Review Committee. Unapproved temporary signs are subject to the same fines as permanent signs.

The Architecture Review Committee will attempt to review and approve or reject sign designs within 21 days. A rejection will include information on the corrective steps necessary for reconsideration at a later date.

Rules for Homeowners using Property Management Companies

- 1) Homeowners must use a property management company which has been approved by the Bella Beach HOA.
- 2) Companies that manage rental properties within Bella Beach must do the following to be approved:
 - a) Submit an application² for approval that includes:
 - i) A 'Certificate of Status' from the Oregon Secretary of State, Corporation Division³
 - ii) Federal tax identification number, if applicable. Sole proprietors and pass-through corporations that do not use a federal tax ID number are exempt from this requirement.
 - iii) If the services provided by the company require a property management license from the Oregon Real Estate Agency, a copy of the license must be included with the application.
 - iv) Provide a telephone number that will be answered 24/7.
 - v) Provide a list of all Bella Beach properties being managed; the list should include the property name, address and lot number.
 - vi) Provide proof of liability insurance in the amount of \$1 million dollars or more.
 - vii) Sign an agreement with the Bella Beach HOA in which it promises to:
 - (1) Incorporate Bella Beach HOA rules for owners and occupants as a part of the rental agreement with tenant/occupant.
 - (2) Agree to assist the property owner and the HOA to enforce penalties imposed for rule violations;
 - (3) Insert a provision in each agreement with each tenant/occupant that the tenant/occupant shall be liable to the owner of the property for any fine imposed during the period of the tenant's occupancy and/or use of the property, and that the property management company or the owner may sue the tenant/occupant in Lincoln County Circuit Court to collect any such fines.
 - (4) Insure that there is a sign posted in the rental property which sets forth Bella Beach HOA rules for tenants/occupants together with the fine schedule.
 - b) The Bella Beach HOA will attempt to process property management company applications within 21 days of receipt.
- 3) Homeowners may rent their own properties without using a management company, however they and their renters are subject to the same rules as management companies and all other renters.
- 4) Homeowners using a management company that has not been approved: After 30 days written notice the homeowner will be assessed a fine of \$500 per month.

² Application forms are available online at http://www.BellaBeach.org/rental_agencies/

³ This form is available to business owners via the State of Oregon website at: <http://www.filinginoregon.com/searches/index.htm>

Rules for Renters:

Sample Introduction Letter:

We encourage owners and property management companies to provide renters with welcome letters that provide a community context. A sample is provided below:

Welcome!

Bella Beach is a residential community featuring charming Oregon coast homes in a traditional neighborhood. Set in a native spruce and pine forest that meets the ocean shore, Bella Beach is one of the most beautiful communities on the Oregon coast.

Bella Beach is unique not only in design, but also in the fact that homeowners can rent their homes to the general public.

As a rental guest it is important to remember that you are coming into a community where people live and visit because of its relaxed, charming atmosphere.

There is a mix of people at Bella Beach. Some live here all year round, some use Bella Beach as a weekend retreat, and others place their homes into the rental market.

Bella Beach is not a resort or a motel. It is not a place for boisterous parties or large gatherings. We have quiet hours (10:30 PM to 10 AM) and other rules, which are listed below, and they are enforced.

We want all of our guests to have a pleasant and enjoyable stay. We know you will like your housing and the atmosphere of Bella Beach. We want you to leave having had a peaceful, enjoyable stay.

A. Bella Beach Community Rules

1. Maintain quiet hours between 10:30 PM and 10 AM
2. Maintain reasonable noise levels at all times
3. Hot tubs are to be used only between the hours of 8 AM and 10:30 PM. Please note that quiet hours remain in effect until 10am and regulate hot tub usage accordingly.
4. In pet friendly rentals, no more than 2 pets are allowed.
 - a. Keep your dog on a leash in all outdoor areas
 - b. Pick up after your dog. Dog waste stations and bags are provided throughout Bella Beach.
5. The home you are renting has a maximum occupancy. Do not exceed this number.
6. No organized gatherings, weddings, receptions or reunions are allowed in any of the parks or common areas.
 - a. An organized gathering is:
 - i. where there are more than 20 people in attendance, and/or
 - ii. there is catered food and/or
 - iii. there are rented tables, chairs or tents and/or
 - iv. amplified music

7. Pet Rules
 - a. Pets must be on a leash in all public areas of Bella Beach
 - b. Cleanup after your pet
 - c. Pets may not be left in unattended in vehicles

8. Beach Rules
 - a. Beach access via stairs only
 - b. Cleanup after your pet
 - c. Cleanup after yourself – if you bring it to the beach, take it back with you
 - d. Help protect the sea wall – no climbing or digging
 - e. Don't turn your back to the ocean
 - f. Watch out for rolling logs & sneaker waves

B. Parking

1. Parking is limited to the number of automobiles that can be parked off-street (garage, driveway, and alleyway parking spots) plus one (1) additional automobile parked on-street. Off-street parking areas should be utilized before on-street parking.
2. Parking of RVs, trailers, campers, and boats is not allowed in Bella Beach at any time. Over-sized vehicles may be accommodated at the Sea and Sands RV park located just south of Bella Beach on Highway 101. Contact Sea and Sands for additional information.
3. Do not block access to trails on the Bella Beach property.
4. Do not park within 10 feet of any fire hydrant.
5. Do not block any fire lane (a 20 foot clearance must be maintained on all roads at all times)

C. Violations of the Rules; Notice and Opportunity to Be Heard; Fine Schedule.

Upon receiving and confirming a complaint, HOA management or security will notify the property owner's emergency contact. Complaints not addressed, or repeat complaints, will result in a fine as listed below.

The HOA shall notify the owner of the property of an alleged violation by first class mail with a simple description of the nature, date, and time of the alleged violation and of an opportunity to be heard regarding the alleged violation. The hearing shall be set for the next regular meeting of the board of directors that is more than ten (10) days from the date of the notice. If it is determined after hearing that a violation has occurred, the standard fine for the violation will be as follows:

1. Noise violation for making a disturbance during quiet time hours – 10:30 PM to 10 AM - \$250
2. Using a hot tub after 10:30 PM - \$250
3. Violation for making a disturbance at any time that disturbs the peace and quiet of Bella Beach - \$250
4. Violation of the pet policy for the home you are renting - \$250 per day or night, per pet.
5. Not picking up after your dog - \$250
6. Leaving a barking dog in a home or vehicle - \$250
7. Not having your dog on a leash in the common areas - \$250

8. Having more guests than the designated maximum for the home you are renting - \$500 per person per day or night and/or termination of rental without refund.
9. Having more than three vehicles per home - \$250 per vehicle per day or night
10. Parking in front of a fire hydrant, blocking a fire lane, parking in front of walkway entrances - \$250 plus towing expenses.
11. Parking an RV, trailer, camper, boat, and any vehicle that is not an automobile - \$250 per day or night.
12. All fines double on the second offense.

The occupant/tenant and the owner of the subject property shall be jointly and severally liable for all fines assessed if it determined, after the notice and opportunity for hearing described above, that a violation has occurred.

Process for handling rules violations and fines

This is the basic process the Board of Directors will use for handling complaints of rules violations. The Board may make exceptions to this process as warranted by a particular situation or complaint.

This process will only be initiated if one or more warnings have failed to successfully resolve the situation.

1. Upon receiving a written complaint, the Board will assign a Board member to investigate the complaint.
 - a. Complaints must be submitted in writing to the Board and must contain a clear description of the time and place, the rule that was violated and who was involved.
 - b. Complaints may be filed by HOA members, property management company representatives, or HOA security. Renters should make complaints through their property management company.
2. The Board member will review the complaint, contact the parties involved and make his/her best effort to determine the veracity of the complaint.
3. The Board member will present his/her findings at the next Board of Directors meeting. Owners and/or PM companies can choose to be heard at the meeting.
4. If the Board finds that the violation is valid (with or without a request to be heard), a fine is imposed on the property owner.
5. If the violation involved a renter or other party, the owner or property management company may collect the fine from that party.
6. The owner must pay the fine to the HOA regardless of whether or not they are able to collect from a third party.