

**The Vineyards of Saratoga
Homeowners Association**

**OPERATING RULES
2022**

**Updated from
2017
“Rules and Regulations”**

TABLE OF CONTENTS

Introduction	3
1.0 Use of Common Area	3
2.0 Maintenance	5
3.0 Lighting	5
4.0 Landscaping	5
5.0 Garbage Collection	6
6.0 Clubhouse	6
7.0 Clubhouse Rental	7
8.0 Swimming Pools	8
9.0 Traffic	10
10.0 Parking	10
11.0 Household Pets	11
12.0 Security	11

INTRODUCTION

The Operating Rules (ORs) of The Vineyards of Saratoga Homeowners Association (HOA) are authorized by the Covenants, Conditions, and Restrictions (CC&Rs). Should there be any conflicts between the CC&Rs, the Bylaws, and the Articles of Incorporation and these ORs, the CC&Rs, the Bylaws, and the Articles of Incorporation shall govern.

All Owners and residents are required to read and understand the above-mentioned documents. Failure to comply with these ORs could prompt a hearing before the Board of Directors and result in penalties. By implementing the ORs, Residents positively enhance the day-to-day living experience of themselves and their neighbors.

The primary purpose of Operating Rules is to ensure proper order and running of a community. When buying into an HOA community, all owners are deemed to have agreed to abide by the Operating Rules of that community.

Consideration of others is the guiding principle of the HOA and is required of all Residents and guests at The Vineyards at all times. Interactions among Board of Director's members, Owners, Residents, guests, contractors, and anyone else at The Vineyards are always conducted in a civil, respectful, and professional manner.

Direct communications are encouraged in person and/or through letters, phone calls, email or text, etc. Use of social media for The Vineyards business may be used for notifications to the community of an emergency nature such as power outages and water shutoffs. These are visible by people outside The Vineyards. Other messages meant to remain within The Vineyards may be sent using NextDoor private groups: *The Vineyards of Saratoga Owners* and/or *The Vineyards of Saratoga Residents*.

1.0 USE OF COMMON AREAS AND PROPERTIES

1.1 Residents and their guests shall be considerate of other Vineyards' residents. Any activities or noise must be controlled and not permitted to become a nuisance or annoyance to neighbors.

1.2 Nothing shall be done on or within the Properties that may be or may become an annoyance or nuisance to other residents, including, but not limited to repair of automobiles, barking dogs, loud audio devices, social gatherings, etc.

1.3 Quiet hours must be observed between the hours of 10:00 PM to 8:00 AM.

1.4 Except in an emergency, entry without an invitation onto a neighbor's unit and exclusive use common area is prohibited.

1.5 Owners are responsible for any damage caused by themselves, their tenants, and their guests.

1.6 Owners are responsible for their tenants regarding any issues pertaining to the Vineyards.

1.7 Hanging clothing, towels, swimsuits, clotheslines, rugs etc. on or from balconies, fences, patios, or decks is prohibited. To prevent moisture damage, balcony floors or outdoor stairs may not contain any large floor coverings.

1.8 Flags, banners, and signs which are permitted by the CC&Rs, must be in serviceable condition and hung or placed so as not to obstruct pedestrians or vehicles on walkways and roadways.

1.9 One “For Sale/Lease” sign for an active listing may be placed at the nearest perimeter location of a unit. One additional smaller sign may be placed at the unit. Signs must be removed at the time of the close of escrow.

1.10 Balcony Watering Restrictions: Watering plants and the cleaning of balconies must be done carefully, so as not to damage common areas or neighbors’ property. All planters must be equipped with a pan or dish and provided with an air space underneath to prevent damage to the deck.

1.11 Balcony Weight Restrictions: Each balcony’s total weight limit is 800 pounds for all furniture, planters, etc. Each plant container is limited to a total weight of 100 pounds per planter.

1.12 Storage Restrictions: Stairwells, decks, balconies, and patios must not ~~to~~ be used for storage of any kind.

1.13 Garages are to be used to house motor vehicles and shall not be used to store other goods to the extent that a passenger vehicle cannot be accommodated. Storage of flammables such as gasoline or paint thinners is prohibited.

1.14 Operating large appliances and charging electric vehicles are not permitted in garages wired for common use with the HOA’s electricity.

1.15 Use of the lawns in the common area that cause a nuisance is prohibited.

1.16 Garage sales, yard sales, and estate sales are prohibited, within The Vineyards.

1.17 Smoking and vaping are prohibited inside and outside at The Vineyards per Saratoga Ordinance 7-35.030

1.18 Wading, swimming or any other activity in the koi pond or fountain pools, by anyone including pets, is prohibited.

1.19 Unused satellite dishes, antenna, old wiring, and obsolete fixtures must be removed by the Owner.

1.20 Open flame cooking devices such as BBQ’s and charcoal burners must not be operated on balconies or within 10 feet of combustible construction. (Per the Santa Clara County Fire Code 308.1.4)

2.0 MAINTENANCE

2.1 Owners desiring to add improvements to “Exclusive Use Common Areas” need to refer to and abide by the CC&Rs. Some Internal Unit improvements may require consent of the Board such as flooring, windows, internal wall changes, front doors, etc.

2.2 Owners/Residents must require their contractors to remove all debris and waste from their projects and not use The Vineyards dumpsters for disposal.

2.3 All other maintenance coverage is found in the CC&R’s Article VIII and Exhibit C.

3.0 LIGHTING

3.1 Reports of Common area problems are made to the Management Company. Please include the number found on the fixture and location and address of the nearest unit.

3.2 Owners and Residents are responsible for maintaining their individual unit light fixtures. The HOA and Management Company do not provide this service.

4.0. LANDSCAPING

4.1 The Board of Directors retains full control over the landscaping of the Common Area. Owners desiring to plant in areas beyond their individual patio area must obtain prior written approval of the Board.

4.2 Flowers or fruit in the common area may be picked only if the Resident takes care not to damage the plant and leaves adequate blossoms and fruit for other Residents to enjoy.

4.3 Pots, planters, and other plant containers used in Common Areas, such as adjacent to front door entrances and patio gates, are permitted to a maximum of 6 (six) containers total and of terracotta or other neutral colors. These plants must be maintained in a healthy condition by their owner. Containers are not permitted on stairways or walkways served by more than one unit.

4.4 Plants or decorative items must not be placed on outdoor windowsills, railings or along tops of fences.

4.5 Plants and vines growing under, over, or through fences or railings are not allowed.

4.6 Vines adhering to walls, fences, gates, etc. are not allowed.

4.7 Patios must be kept clear of trash, weeds, and other invasive plants.

4.8 Broken sprinklers or other signs of exterior water leaks should be reported to the Management Company describing the location and address of the nearest unit.

5.0 GARBAGE COLLECTION

The use of dumpsters is for Vineyards' Residents only. Dumpsters must not be used by contractors. Gates must be closed and latched to prevent costly damage to gates and vehicles.

5.1 All residents must abide by guidelines posted on dumpster enclosure exterior. Garbage and Recycle Pick-up Days are posted.

5.2 All garbage must be placed inside the large garbage dumpster. The garbage company will not collect any items outside a dumpster or recycle bin. If the dumpster or bin is full, another dumpster should be used. They are overfilled if the lid does not fully close. (The Vineyards HOA incurs an additional charge if a request is made for an extra pick-up.) Pick-up charges add up and require the HOA to increase monthly dues.

5.3 Recycle: Refer to www.westvalleyrecycles.com or the current waste management company's complete list, including those items that are prohibited.

5.3.1 All food containers must be clean.

5.3.2 All boxes and cartons must be flattened before being placed in the recycle bins.

5.3.3 Large amounts and large sized cardboard must be flattened and deposited in recycling dumpster enclosure #3 at the southeast perimeter area of the complex closest to intersection of Highway 85 and Saratoga Avenue.

5.3.4 Removing recyclables by individuals from bins is prohibited by law.

5.4 Semi-Annual Pick-up: Large items must not be placed in or around dumpsters, but instead must be retained until the Spring or Fall cleanup weeks. The following items are excluded: Hazardous materials, electronics, construction debris, dirt, rocks, concrete, paint, electronics, batteries, garbage, and tires.

6.0 CLUBHOUSE

At all times the Clubhouse is monitored by electronic surveillance.

6.1 The Clubhouse is for the use of all Vineyard Residents on an equal and non-exclusive basis.

6.1.1 Anyone using the Clubhouse may be required to prove residency. Residents are limited to having four (4) guests per unit, must accompany their guests at all times, and will be held responsible for ensuring their guests are made aware of and abide by these Operating Rules.

6.1.2 Having more than 4 guests requires a rental reservation. (See 7.2)

6.1.3 A Board-appointed security person and Board members must have access to the Clubhouse at all times.

6.1.4 All minors and guests must be accompanied and supervised by an adult Resident at all times. The Resident adult will be held responsible for ensuring that all persons present are made aware of and abide by the Operating Rules.

6.1.5 All Clubhouse facilities are closed during Board of Directors meetings except for the restrooms accessible from the Clubhouse Pool area.

6.1.6 All Clubhouse furniture, recreational equipment (such as pool and ping pong tables), kitchen, electronic, and gym equipment, etc. shall be used solely for the purpose for which it is intended. Owners will be liable for damages or missing items.

6.1.7 Residents conducting themselves in a quiet non-intrusive manner may have use of the clubhouse facilities at all times of day or night, except when other restrictions in this document apply. Sleeping overnight in the Clubhouse is strictly prohibited.

6.2 The Clubhouse must remain locked at all times, and admittance to the Clubhouse is by electronic key fob only.

6.3 In accordance with the City of Saratoga noise standards, Residents using the Clubhouse must ensure that noise is kept to a minimum and that other Residents living nearby are not disturbed.

6.4 Residents using the Clubhouse are required to clean up after themselves, placing all trash in the containers provided, returning all furniture to its original location, and vacuuming carpets if necessary. All soiled dishware must be washed, dried, and returned to cupboards and drawers. Lights are activated by movement sensors and will turn off automatically. All exit doors must be tightly closed and locked.

6.5 Residents are responsible to the Association for all damage caused by themselves or their guests.

6.6 Wearing wet swimwear inside the Clubhouse is prohibited except in the sauna and restroom directly accessible from the Clubhouse Pool area.

6.7 Covering the windows of the Clubhouse is not permitted.

7.0 CLUBHOUSE RENTAL

CLUBHOUSE OPERATING RULES 6.0 APPLY

7.1 Clubhouse rental does not include use of the gym, sauna, shower, pool, barbecue, or the downstairs. Only the upstairs and deck are available for rental. The restrooms downstairs are available to all.

7.2 The Resident must have a signed rental agreement with the HOA and only his/her guests may attend the function; the Resident must be in attendance at all times.

7.3 The maximum number of participants is 25.

7.4 Persons using the facility are responsible for the cleaning and returning all areas back to their original condition: Carpets vacuumed, kitchen floor, stove, and sink cleaned, deck swept. (The HOA does not provide a vacuum or cleaning supplies.) All refuse must be removed from the facility and taken to dumpster enclosure #3. Cleanup must be completed by 10:00 PM. The security/cleaning deposit will be refunded if all Clubhouse property is intact, the facilities are clean/undamaged and there are no complaints or items missing, additional costs, or violations of the Vineyards' governing documents, Operating Rules, or the law.

7.5 Any damage to building, furniture, carpet, or fixtures will be repaired or replaced by the HOA and will be billed to the owner's monthly statement as a special assessment.

7.6 The rental use of the Clubhouse ends at 10:00 PM with a \$100 penalty per hour or fraction thereof, for occupancy beyond 10:00 PM. The deposit may be forfeited.

7.7 Reservations will be on a first-come-first-serve basis and may not be made more than 4 months or less than 15 days in advance. Fees, deposits, and certificate of insurance coverage are due at the time of the reservation. Reservation deposits may be forfeit if the reservation is cancelled with less than 7 days' notice.

7.8 Residents reserving the Clubhouse are required to provide a copy of a certificate of their homeowners' liability insurance. The Owner shall assume the defense of and shall indemnify and hold harmless The Vineyards of Saratoga HOA, its agents, Officers and Directors against any and all loss, liability, expenses, claims, and costs, directly or indirectly arising out of the use of the facility. Users of the Clubhouse assume all risks of damage and injury arising out of the use of the facility.

7.9 Caterers and Resident-hired vendors are required to provide the HOA with proof of liability insurance coverage prior to use of the facility.

7.10 Violations of these Clubhouse Rental Rules may be subject to a hearing with the Board, loss of deposits, additional costs and /or loss of common area privileges.

7.11 A Board member will inspect the Clubhouse both before and after use.

8.0 SWIMMING POOLS

Persons using the swimming pools do so at their own risk. There is no lifeguard on duty. Adult Residents accompanying minors in the pool areas must be able to swim. Guests at all times must be accompanied by the host Resident.

8.1 The Vineyards is equipped with two swimming pools, hereafter referred to as the Big Pool and the Clubhouse Pool (adjacent the Clubhouse). Pool and BBQ users must observe all Posted Rules and these Operating Rules and keep the noise level to a minimum such that it does not become a nuisance or an annoyance to the surrounding residents. Failure to do so could result in being asked to leave.

8.1.1 The pools are customarily heated from May through September unless weather conditions warrant otherwise.

8.1.2 Residents are limited to having four (4) guests per unit. They must at all times accompany their guests and be responsible for ensuring that their guests are made aware of and abide by and the posted Pool Rules and these Operating Rules.

8.1.3 Minors must be accompanied by an adult Resident. The adult Resident is responsible for ensuring minors are made aware of and abide by the Operating Rules and the Rules posted at the pools.

8.1.4 To the maximum extent allowed by law, families with children are strongly encouraged to use the Clubhouse Pool since there are restroom facilities conveniently available in the Clubhouse.

8.1.5 Persons in diapers (including swim diapers) and any other incontinent persons are not allowed in the pools.

8.1.6 Rowdiness, boisterous behavior, screaming, jumping, running, pushing, excessive splashing, shoving, and playing loud audio devices are prohibited. Behavior interfering with other's enjoyment of the pools will not be permitted.

8.1.7 Pool furniture must be replaced to its proper location after use. Pool furniture may not be removed or moved from pool to pool without the consent of the Board.

8.1.8 Glass containers of any kind (Beverage, Food, Lotion, etc.) are not permitted in pool areas.

8.1.9 Pets are not permitted in either fenced-in pool area.

8.1.10 Non-Resident Owners are not permitted use of pools.

8.1.11 Use of swim gear is limited to goggles, swim fins, and small inflatable rings or cuffs.

8.1.12 Conducting professional/formal swim lessons is not permitted.

8.1.13 Entry into the restroom at the Clubhouse Pool is made by using the Resident's fob key from the outside.

8.2 Access to the pools is by electric key fob only, and the gates must always remain locked (for insurance purposes). Key fobs may be obtained from the Management Company if one is lost or was not provided upon Resident's unit occupancy. At all times pools are monitored by electronic surveillance.

8.2.1 A Board appointed security person will always have access to both pool areas and will have the full authority to ensure that the posted rules and regulations are honored.

8.3 Residents (and their guests) are responsible for cleaning up after themselves and must place all trash and any litter into the containers provided and replace furniture to its original location.

8.4 The pool furniture cannot be reserved.

8.5 BBQ areas close by 10:00 PM.

8.6 Use of the Spa at the Clubhouse Pool area is on Residents' first-come-first-serve basis. Minors must be accompanied by an adult Resident. Posted spa use Rules are to be followed. The spa cover must be replaced after spa use.

9.0 TRAFFIC

9.1 The speed limit for all motor vehicles throughout the Vineyards is fifteen (15) miles per hour.

9.2 Pedestrians on the perimeter road always have the right-of-way.

9.3 Bicycle and scooter riding, roller skating, skateboarding, and rollerblading are permitted only on the perimeter road and in the driveway areas, not on the walkways, fire lanes, or lawns in the internal common areas of The Vineyards.

10.00 PARKING

Vehicles parked on Vineyards Property are parked at the vehicle Owner's risk.

10.1. Parking in The Vineyards is restricted to passenger cars, SUVs, passenger carrying vans, and non-commercial pick-up trucks that do not exceed $\frac{3}{4}$ ton capacity. The length shall not exceed 19 feet and the width 7 feet.

10.1.1 All Residents are required to have visible Vineyards-issued parking permit stickers on a window of each of their vehicles.

10.1.2 All vehicles permitted to park must be operable, have current license plates, and be currently registered with the California Department of Motor Vehicles.

10.1.3 No unattended vehicle may be parked obstructing any garage area as this constitutes a Fire Lane. Parking in the Fire Lanes is in violation of fire department regulations. Vehicles unattended and parked in these areas may be towed without notice.

10.1.4 Sleeping overnight in parked vehicles is prohibited.

10.2 The following types of vehicles or dwelling must not park outside of a garage in The Vineyards complex.

Boats or Boat Trailers.

Campers and/or Tents of any kind.

Commercial Trucks.

Commercial Vehicles with advertising on the exterior.

Dune Buggies.

Mobile homes or trailers and vehicles modified for camping.

Motorcycles.

Motorized Bicycles.

Vehicles modified for strictly off-road use such as ATV's

10.3 Motor vehicles may not be constructed or reconstructed within the common area, and no dilapidated vehicle shall be stored on the properties. However, this provision does not apply to (a) emergency repairs or temporary construction shelters or facilities maintained during or used exclusively in connection with the construction of any work or improvement approved by the Board or (b) Trailers or temporary structures for maintenance, repair or replacement of the development as contracted by the HOA.

10.4 Commercial vehicles providing services to Owners, Residents, or the HOA may only park for the duration necessary to provide such service and not interfere with traffic, or other parking spaces.

10.5 Overnight guests are required to place a note on the dashboard indicating the address of the host Resident.

10.6 Parking at red or posted curbing is prohibited, except for temporary loading and unloading. Vehicles parked in these areas may be towed without notice. Blocking another Resident's garage is prohibited.

10.7 Towing of Vehicles - Ordering a vehicle to be towed may only be done by HOA Board Members.

11.0 HOUSEHOLD PETS

Only Resident Owners will be allowed to have pets. An exception will be made for non-Owner Residents occupying their units prior to the passage of these Operating Rules. Service Animals as described by the U.S. Department of Justice. http://www.ada.gov/service_animals_2010.htm, are not considered in this document to be pets. (See CC&R's Section 10.04)

11.1 A total of 2 (two) pets per unit is allowed. Renters are not permitted to have pets.

11.2 All pets must have a collar or harness and identification tag.

11.3 All dogs must be on a physical leash under human control while on the common grounds.

11.4 Animal Owners are responsible for any environmental damage, noise, or damage or inconvenience to other residents caused by their animal. Failure to control the animal will result in its removal by the HOA.

11.5 Dogs must not be left unattended anywhere outdoors.

11.6 Animal owners are responsible for immediate removal animal waste in the common area, patios, decks, or balconies.

12.0 SECURITY

12.1 Should anyone observe what he/she believes to be a crime or serious disturbance in progress, they are to **call -- 911-- and report it.**

12.1.1 All Residents are considered members of The Vineyards Neighborhood Watch group. This group is not made up of vigilantes and does not assume the role of the police. Residents are asked to be alert to suspicious activities by people they do not recognize, be observant, and care enough to report incidents to the proper authorities. They serve as extra eyes and ears for law enforcement agencies and for their neighbors. If one feels safe taking a photograph of the persons or incident, this can be very useful.

12.2 Other non-emergency disturbances should be called in to the Sheriff's office at 408-299-2311. Sending a letter or email to the Board through the Management Company describing the incident is advised.

12.3 Reports of stray or problem animals need to be directed to either the Animal Rescue League or City of San Jose Animal Control Department. Sending a follow-up letter or email to the Board through the Management Company describing the incident is advised.

12.4 Soliciting by outside individuals or organizations is prohibited in The Vineyards. It is considered trespassing and reportable to the sheriff's department.