Operating Rules (Required Civil Code Sec. 4525)
Bing Drive Homeowners Association

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Bing Drive Homeowners Association Rules & Guidelines

INTRODUCTION

The purpose of these *Rules and Guidelines* is to establish policies that encourage people to live together harmoniously and keep the complex looking neat and orderly. Apart from fostering a high quality of life, rules promote an attractive community, which in turn, keeps property values high. Resident owners, landlords, and tenants are required to comply with rules and regulations. Non-compliance will result in a letter requesting corrective action and fines may be levied if non-compliance continues for an extended period.

GLOSSARY OF TERMS

- **Assn** = Bing Drive Homeowner Association, aka BDHOA
- **Board** = Bing Drive HOA Board of Directors
- **HO** = Homeowner. The *Rules & Guidelines* apply to all resident owners, landlords, and tenants.
- **MRF** = *Modification Request Form*: must be completed when installing items that can be seen or heard from the common area, e.g., a satellite dish, new windows, air conditioning, etc. Such items require prior approval by the Bing Drive Board of Directors (see specific rule to see whether *MRF* is required). The Board may require residents to remove items installed without a *MRF*. *MRFs* can be obtained from our property manager
- **Property Manager** = Affirmative Management at (408) 244-0909

RULES AND GUIDELINES

1. AIR CONDITIONERS: **Allowed** – 1) *Conventional A/C* with external condenser allowed. Condenser must be located on the ground (not on the roof) and in back of the unit with all wires, tubing, etc. enclosed in conduit and painted to match the building. Must meet City of Santa Clara noise restrictions; city permit required; *MRF* required. 2) *In-unit A/C* (e.g., portable devices where the apparatus is inside the unit). Window vent may be in place from May to October only, located on side or back of unit; *MRF* required ● **Prohibited** - *In-window A/C* and *swamp coolers* ● **Maintenance** – Association will repair (unless they are damaged due to resident neglect which will be addressed on a case-by-case basis) & periodically re-coat the balconies. Owners are responsible for washing & sweeping their balconies.
2. BALCONIES: **Allowed** - Outdoor furniture ● **Prohibited** – Everything else, including but not limited to indoor furniture barbeques, storage containers, boxes, bags, brooms, cleaning supplies, clothes, clothes drying racks, towels & rugs (e.g., draped over a railing), strollers, toys, potted plants (because they can damage the balcony floor), gardening tools, etc ● **Exception** - Temporary holiday decorations, e.g., wreaths on doors, lights on balconies, etc. Decorations must be taken down within a reasonable time after the holiday period has ended.
3. BUILDING ATTACHMENTS: Patio covers, arbors, sunshades, etc should be free-standing (not attached to the building), but they may be attached to the horizontal wood strip, aka *belly band*; *MRF* required if attaching items to the *belly band*. ● **Prohibited** - Attaching anything to the stucco building walls.
4. DOOR, FRONT: **Door itself, lockset, hinges, weather stripping** – HO responsibility; door and/or lockset must be brass or bronze and match lock & handle style of current as closely as possible; *MRF* required ● **Door paint, exterior** – Assn determines color and will paint at regular paint cycles
5. DOOR, FRONT SCREEN: **Allowed** – Disappearing / 'phantom' screen door ● **Prohibited** – All other types of screen doors
6. DOOR, GARAGE: HO responsibility. **General** – Metal roll-up doors only; must match # of roll-up panels & pattern on panels of existing doors as closely as possible; after installation resident must paint new door to match other garage doors; *MRF* required ● **Prohibited** – Windows ● **Other** – Door must be kept closed except when leaving or returning, but may be left open ≤12" to let cool air in.
7. DRAINS & SEWERS: **Within exterior walls of unit** - HO responsibility, except where roots from Assn trees are cited as cause on plumber's report ● **Outside exterior walls of unit** - Assn responsibility, except where owner-created obstructions, e.g., paper products, grease, etc, are cited as cause on plumber's report. Also see ***#37: WATER LINES***.
8. DRAPES & BLINDS: **Allowed** – Only white, off-white, light neutral blinds, shutters, drapes, curtains, or liners for windows visible from the common area or another unit; must be kept in good condition.
9. FLAGS AND BANNERS: **Allowed** – American flags anytime, seasonal flags, e.g., *spring, fall, etc*, for a reasonable amount of time ● **Prohibited** – All other flags or banners, including sports-related
10. FENCES, GATES, WALLS: **Perimeter wall or fence** – Assn responsibility ● **Between yard fences** – HOs 50/50 ● **Between yard & common area** – Assn & HO 50/50 (see ***#14: GATES***)
11. FLUE CLEANING, CHIMNEY & DRYER VENT: HO responsibility
12. FUMIGATION POLICY: Owners of units in a particular building are responsible for deciding whether to fumigate that building. If a majority of owners in any building agree to fumigate, the board can require the building to be fumigated and the cost shall be shared among the owners of that building (see ***#32: TERMITES***).
13. GARBAGE & RECYCLING: **General** - The dumpsters are for common household garbage & wheeled toters are for recyclables only ● **Garbage** - Put all garbage in a bag and tie it shut before placing in dumpster. If dumpster is full, don't overstuff it; bring your garbage back after pickup day (Monday for garbage, Wednesday for recycling). Do not leave anything outside of the dumpster. Suggestion: keep large items at your unit until Santa Clara citywide cleanup day every spring. ● **Recycling** - Break down / flatten boxes before placing in the recycling toters ● **Prohibited** - Leaving appliances, furniture, mattresses, etc inside the enclosure. Assn will bill responsible HO for cost of disposing of these items properly.

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14. GATES: **Hinges & latch** – HO responsibility ● **Repair / rebuild gate itself** – Assn & HO 50/50
15. HAZARDOUS MATERIALS: Call 408/730-7262 or visit www.hhw.org for instructions on how to dispose of paint, solvents, fluorescent tubes, batteries, motor oil, etc. The city may assess fines for improper disposal; if the offending resident can be identified these charges will be billed back to that owner or tenant.
16. LANDSCAPING, COMMON AREA: No resident may install a tree or shrub in the common area, i.e., planter beds / areas near front doors. No resident may move, remove, or trim any tree or shrub in the common area (see ***#33: TREES & SHRUBS***).
17. INTERIOR IMPROVEMENTS: **General** - Changes or remodeling must not increase the inhabitable square footage of the unit, create a new opening in an exterior wall for a door or window, enlarge a window frame or an exterior door frame, or reduce a unit's structural integrity by removing a load bearing wall ● **Exception** – Skylights allowed with restrictions; *MRF* required.
18. LIGHT BULBS, EXTERIOR: **Garages** – Assn responsibility ● **Porches / balconies / backyards** – HO responsibility
19. LIGHT FIXTURES, EXTERIOR: **Garages / porches / balconies** – Assn responsibility ● **Backyards** – HO responsibility
20. MAINTENANCE RESPONSIBILITIES, ASSN vs HOMEOWNER: Assn is responsible for the roofs, gutters, exterior paint & stucco, fences & gates (except hinges & latches on residence gates, see ***#14: GATES***), perimeter wall, painting the building exteriors & front doors at regular intervals, landscaping, concrete in front of units, driveways, dumpster area, and garage lights (see #***18 & 19: LIGHTS***). HOs are responsible for all other parts of their unit or property.
21. NOISE RESTRICTIONS: Quiet hours are from 10:00 PM to 8:00 AM. Please turn down the volume on your TV, sound system, video games, computers, etc and refrain from making other loud noises during this time. Please don't slam dumpster gates at any time.
22. PARKING: **General** – Parking shall be allowed only in designated, uncovered parking stalls with a plastic tag hung from the rear view mirror or placed face-up on the driver's side dashboard between 9:00 PM and 6:00 AM. Only one vehicle per unit may park in an uncovered parking stall. Uncovered parking stalls have a 48-hour time limit with a 24-hour re-set period (after leaving the stall you may not park in the same stall for 24 hours). Violators will receive two warning tickets; after two tickets, a vehicle displaying the offending tag – not necessarily the offending vehicle – will be subject to being towed at any time without warning for a third offense ● **Prohibited** – Parking in front of a garage or anywhere in the driveway; said vehicles shall be subject to immediate towing.
23. PESTS, INSECTS, e.g. ANTS, ROACHES, WASPS / WASP NESTS, BEE HIVES, ETC: HO responsibility
24. PESTS, RODENT ACTIVITY, e.g., RATS, MICE, ETC: **Inside the unit, including attic** – HO responsibility ● **Common area** – Assn responsibility
25. PESTS, RODENT CONTROL: **Discouraged** – Bird feeders that use birdseed ● **Prohibited** – Pet food left outside past feeding time ● **Other** – Please pick up fallen fruit immediately. These measures are meant to deny food to rats, raccoons, etc.
26. PETS: **Number** - 2 total, e.g., 2 dogs, 2 cats, 1 dog + 1 cat; limit does not apply to pets typically kept in aquariums or cages ● **General** - To preserve our landscaping, please walk your dog off the property. Dogs & cats are not allowed to roam freely in the planter beds or the common area. If a dog or cat poops on the property, including a resident's backyard, its owner must clean it up immediately. When outside the unit, dogs must be kept on a leash. Barking dogs and howling cats must be kept inside with windows closed if the noise disturbs other residents.
27. PORCHES & PATHWAYS: Except for a doormat, small tasteful figurines (e.g., rabbits, ducks, elves, etc), nothing is allowed in front of a unit, including but not limited to storage containers, boxes, bags, brooms, cleaning supplies, gardening tools, shoes, strollers, toys, bikes / skateboards / scooters, potted plants, pathway lights, etc ● **Exception** - Temporary holiday decorations, e.g., wreaths on doors, lights on balconies, etc. Decorations must be taken down within a reasonable time after the holiday period has ended.
28. ROOF LEAKS & OVERFLOWING GUTTERS – Assn responsibility
29. SATELLITE DISHES & ANTENNAS: **Allowed** - Attached to a *rafter tail* (under an eave) on the backside of your unit using a U-shaped bracket (available from your dish supplier); *MRF* required ● **Cables** - Must be tucked under eave or routed along trim and enter unit as quickly as possible through a water-proofed hole; owner responsible for painting exposed cables to blend in with building exterior ● **Prohibited** – Attached anywhere other than allowed location ● **Unused / non-compliant dishes** - Owners are responsible for removing unused or non-compliant satellite dishes + all associated cables and hardware as well as patching & painting any holes in stucco ● **Other** – Residents responsible for removing, then re-installing their dish(es) to accommodate Assn projects, e.g., exterior repairs, painting, re-roofing, etc.
30. SIGNS, FOR SALE or FOR RENT: **Allowed** - One sign on a 4x4 post at right / north side of entrance on Bing Drive + one sign in window near front door. Also, temporary signs for open houses ● **Prohibited** – All other locations.
31. SIGNS (NOT REAL ESTATE), DECALS, WINDOW STICKERS: None allowed except those related to health, safety, or security
32. TERMITES: HO responsibility (see ***#12: FUMIGATION***)
33. TREES & SHRUBS, BACKYARD: Residents are responsible for keeping the trees and shrubs in their patio or backyard well-maintained so that they do not become a nuisance to adjoining neighbors. To deter rodents and other pests from accessing the units tall shrubs must be trimmed at least 12" away from the buildings and trees must be trimmed at least 18" away from the buildings (see ***#25: PESTS – RODENT CONTROL***). No clinging vines, e.g., ivy, creeping fig, etc shall be allowed on the buildings.
34. VEHICLES: **General** - All vehicles parked on the premises must have current registration and be in operating condition, i.e., able to be driven on a city street ● **Maintenance** – All vehicle maintenance must be done inside a garage with the door closed ● **Prohibited** – Washing cars in the driveway.

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35. WATER FAUCETS / SPIGOTS: HO responsibility, including unit shutoff valve. Hoses must be kept inside when not being used.
36. WATER HEATERS: HO responsibility
37. WATER SUPPLY LINES: From individual unit shutoff valve into unit, including shutoff valve - HO responsibility ● From city main to before shutoff valve - Assn responsibility. Also see ***#7: DRAINS & SEWERS***.
38. WINDOWS & SLIDING GLASS DOORS: HO responsibility ● **Frame color** - White only ● **Frame material** – Vinyl or wood ● **Direction** – Must open the same way as window being replaced, e.g., slide horizontally ● **Internal panes / lattices** – Allowed ● Owner is responsible in perpetuity if replacement window or sliding glass door leaks; *MRF* required.
39. WINDOW SCREENS: HO responsibility; must be kept in good condition (see ***#5: DOOR, FRONT SCREEN***).
40. WIRING, e.g., ELECTRICAL, COAX, PHONES: **In the unit / walls** - HO responsibility ● **Common area** – Assn responsibility

Schedule of Fines

	1st offense	2nd	3rd	Per diem
Fines for violations of the above Rules shall be	$25	$50	$100	$10

Fine #1 will be levied as specified in a third warning letter after two warning letters have been sent to the owner on the same or related subject and the owner has had the opportunity to attend a hearing on the matter. Fine #2 may be levied for a violation that is not corrected within two weeks of when fine #1; fine #3 may be levied within two weeks of when fine #2. If the violation is still not corrected after fine #3, a per diem fine of no more than $10 per day may be levied within two weeks of fine #3. Fines may be levied in conjunction with charges for actual costs incurred by the Assn for repair of damages. A charge for damage is known as a "backbill".

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