Section 1: [Property Owner's Manual, Rules & Regulations Section PC.6.2] Towing of Vehicles from Community Streets

Community Patrol officers are authorized to immediately tow any vehicle parked in violation of POA parking rules without issuing a 96-hour warning notice and without requiring individual written authorization from an on-site association representative at the time of the tow.

ISSUE #1

Section 2: [Property Owner's Manual, Architectural Rules Section AC.4.5] Artificial Turf and Drought-Tolerant Landscap

Synthetic or artificial turf is prohibited in front yards, and any Owner who allows front-yard turf grass to turn brown during a state-declared or local water-shortage emergency shall be fined $100.00 per week until green sod is restored.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 2 (p. 1): Landscaping covenant conflicts with California Civil Code § 4735 protections for low-water-use plants, artificial turf, or drought-period watering reductions.

Statutory / Legal Reference: Cal. Civ. Code § 4735

Statutory Comparison: Under Cal. Civ. Code § 4735(a), any provision of the governing documents is void and unenforceable if it prohibits, or includes conditions that have the effect of prohibiting, the use of low water-using plants as a group or as a replacement of existing turf, or prohibits the use of artificial turf or any other synthetic surface that resembles grass. In addition, under § 4735(c), an association may not impose a fine or assessment against an owner for reducing or eliminating the watering of vegetation or lawns during any government-declared drought emergency.

CURRENT WORDING IN DOCUMENT:

[Property Owner's Manual, Architectural Rules Section AC.4.5] Artificial Turf and Drought-Tolerant Landscap Synthetic or artificial turf is prohibited in front yards, and any Owner who allows front-yard turf grass to turn brown during a state-declared or local water-shortage emergency shall be fined $100.00 per week until green sod is restored.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to California Civil Code § 4735, nothing in the governing documents shall prohibit the installation of California-friendly low water-using plants or quality artificial turf/synthetic grass meeting reasonable design and maintenance standards, nor shall any fine or assessment be imposed on a member for reducing or eliminating lawn watering during a state or local government-declared drought emergency.