



TrueHOA

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No well for the production of, or from which there is produced water, oil, or gas or any other mineral substance shall be dug or operated on said property. No tank for the storage of fuel may be maintained on the surface of said property.

MARKUP #1 ->

ARTICLE XIII ANIMALS

No stable, poultry house or yard, or rabbit hutch or house shall be constructed or maintained on any lot. No fowl or animals, other than a reasonable and usual number of household pets, shall be kept on any lot. The Declarant, its successors in interest and assigns may grant a revocable permit giving the owner of any of said lots the right to keep and maintain a limited number of animals as pets, provided the same are not kept and maintained for commercial purposes or in unreasonable quantity. It shall be the duty of the Declarant, its successors in interest and assigns to revoke any permit so granted if such use of said property shall become a nuisance to the neighbors adjacent.

ISSUE #1

ARTICLE XIV NUISANCES

No noxious or offensive activity shall be carried on upon said property, nor shall anything be done thereon which may be or may become a nuisance to the neighborhood.

ARTICLE XV SIGNS

No sign of any kind shall be displayed to the public view on any lot except one (1) professional sign of not more than two hundred (200) square inches in size denoting only the name and profession of any professional man living on said lot or one "For Sale" or "For Rent" sign of a size not greater than

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. XIV (p. 11): Sign or flag restriction conflicts with California Civil Code §§ 4705 and 4710 protections for the U.S. flag and noncommercial signs/banners.

Statutory / Legal Reference: Cal. Civ. Code §§ 4705 & 4710

Statutory Comparison: Under Cal. Civ. Code § 4705, the governing documents may not limit or prohibit the display of the flag of the United States by an owner in their separate interest or exclusive-use common area. Under Cal. Civ. Code § 4710, the governing documents may not prohibit posting or displaying noncommercial signs, posters, flags, or banners on or in a member's separate interest, except that an association may prohibit noncommercial signs/posters exceeding 9 square feet in size and noncommercial flags/banners exceeding 15 square feet in size.

CURRENT WORDING IN DOCUMENT:

NUISANCES No noxious or offensive activity shall be carried on upon said property, nor shall anything be done thereon which may be or may become a nuisance to the neighborhood. ARTICLE.XV SIGNS No sign of any kind shall be displayed to the public view on any lot except one (1) professional sign of not more than two hundred (200) square inches in size...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to California Civil Code §§ 4705 and 4710, members may display the flag of the United States and may post or display noncommercial signs, posters, flags, or banners on or within their separate interest, provided that noncommercial signs or posters do not exceed nine (9) square feet in size and noncommercial flags or banners do not exceed fifteen (15) square feet in size, and are not made of lights, roofing, paving, balloons, or flora.