



COVENANTS, CONDITIONS
and
RESTRICTIONS

MARKUP #1 ->

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Original Date	10/04/1994

Section 9
Sewage Systems

- A. All sewage systems shall be approved prior to site development or construction by Calaveras County Environmental Health Department. Installation, by a licensed contractor, shall be in accordance with Calaveras County Codes.
- B. In the event of a partial failure or failures of the sewage systems, the owner or owners shall take immediate action to repair or replace the sewage system in accordance with Calaveras County Codes.

Section 10
Removal of Trees for Building and Improvements

- A. After the building plans have been approved by the BRC, only those trees located in the home building area which includes the septic system, may be removed. Trees of ten (10) inches or more in diameter located outside the building area may only be removed with the written approval of the BRC which shall not be unreasonably withheld. Only dead and diseased trees may be removed without the written approval of the BRC.
- B. Trees, slash, brush & vegetation shall not be pushed, stacked or moved onto adjacent property. Trees that are to be used as firewood shall remain on the owner's property. Upon completion of a structure, felled trees including dead and diseased trees, slash, brush, vegetation and/or construction debris shall be disposed of in accordance with Calaveras County Ordinances.

Article III
General Property Use Restrictions

ISSUE #1

Section 1
Signage

- A. Address signs with numerals at least four (4) inches in height are required and must be visible from the street to assist in the location of properties by emergency vehicles and services.
- B. No signs of a commercial nature shall be displayed on any property. Not more than one "For Rent", "For Lease" or "For Sale" sign of reasonable dimension (as determined by The Association) or job identification signs of a type usually employed by contractors, subcontractors or tradesmen will be permitted. All such signs shall be removed within ten (10) days following the conclusion of the construction, sale or activity.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE BOARD & COUNSEL REVIEW

Sec. 1 (p. 8): 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:

Signage A. Address signs with numerals at least four (4) inches in height are required and must be visible from the street to assist in the location of properties by emergency vehicles and services. B. No signs of a commercial nature shall be displayed on any property. Not more than one "For Rent", "For Lease" or "For Sale" sign of reasonable dimension (as determined by The Association) or job identification signs of a type usually employed by contractors, subcontractors or tradesmen will be permitted. All such signs shall be removed

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.