



Rules & Regulations

Revised May 1, 2023.

TABLE OF CONTENTS

WELCOME

EMERGENCY INFORMATION

BOARD MEETINGS

A. COMPLAINTS

1. Steps to be taken for complaint resolution

B. VIOLATION POLICY

C. MEDIATION

1. Mediation
2. Attorney's Fees

D. RULES

1. Pool
2. Pets
3. Occupancy
4. Garage Sales
5. Parking
6. Driveway
7. Tenant Occupied Homes
8. Insurance
9. Automobiles
10. Signs
11. Garbage
12. Miscellaneous Rules
13. Condominium Upgrade and Reconstruction
14. Alteration
15. Noise
16. Satellite Dishes

E. MAINTENANCE

F. ASSESSMENTS

G. USE OF CLUB HOUSE

H. FINES

1. Schedule of Fines for Breaking Capistrano Condominium
Rules and Regulations

WELCOME

Welcome To Capistrano Condominiums!

Although we believe our property is a safe place and free of crime, please be aware be aware of your surroundings at all times. Know who is at your door before you open the door. If you see any unusual activity or suspicious vehicles on the property, call 911 Immediately. Do not take matters into your hands. That is the job for law enforcement. It is recommended to keep garage doors closed unless you are in the garage. Lock the door from your condo to the garage.

Solicitation is prohibited on the Capistrano property and signs are posted accordingly.

This booklet of Rules and Regulations was developed for the residents to be familiar with the operations of the Capistrano property. In this booklet you will find helpful hints on maintenance and the care of your home. You will also find rules and regulations that ae necessary to maintain the integrity of the property.

We have a nice property and it is imperative that all residents comply with the rules and regulations so we can all be proud of the appearance of the property

Capistrano Homeowners' Association, Inc
Board of Directors

Capistrano Homeowners' Association
Board of Directors

EMERGENCY INFORMATION

It is requested that each resident furnish the Capistrano Office a telephone number where you can be reached, in case of an emergency.

Office hours are 8:00 A.M. to 12:00 Noon, Monday through Friday.

OFFICE TELEPHONE NUMBER: 210-492-3045

Email: Capistrancondomini@att.net

AFTER HOURS EMERGENCY NUMBER: 210-650-1636

The emergency answering service will notify a board member or Manager of the call.

THE FOLLOWING IS FOR INFORMATION PURPOSES ONLY

BOARD MEETINGS

Board Meetings will be held in accordance with the Declaration:

Minimum one (1) per quarter.

Additional meetings may be scheduled as needed.

Board meetings are conducted according to an agenda. If an item requires a considerable amount of time to discuss, or requires capital expenditures, it is recommended, that it be placed on the agenda. Homeowners may address to the Board, but may be limited to five (5) minutes. The Board, at its discretion, may allow the Homeowner to speak longer.

A notice will be posted on the bulletin board near the mailroom prior to the meeting. Homeowners will be notified by email or will see notice in the newsletter.

Homeowners who are discourteous, loud or use inappropriate or obscene language may be asked and/or removed from the meeting.

A. COMPLAINTS

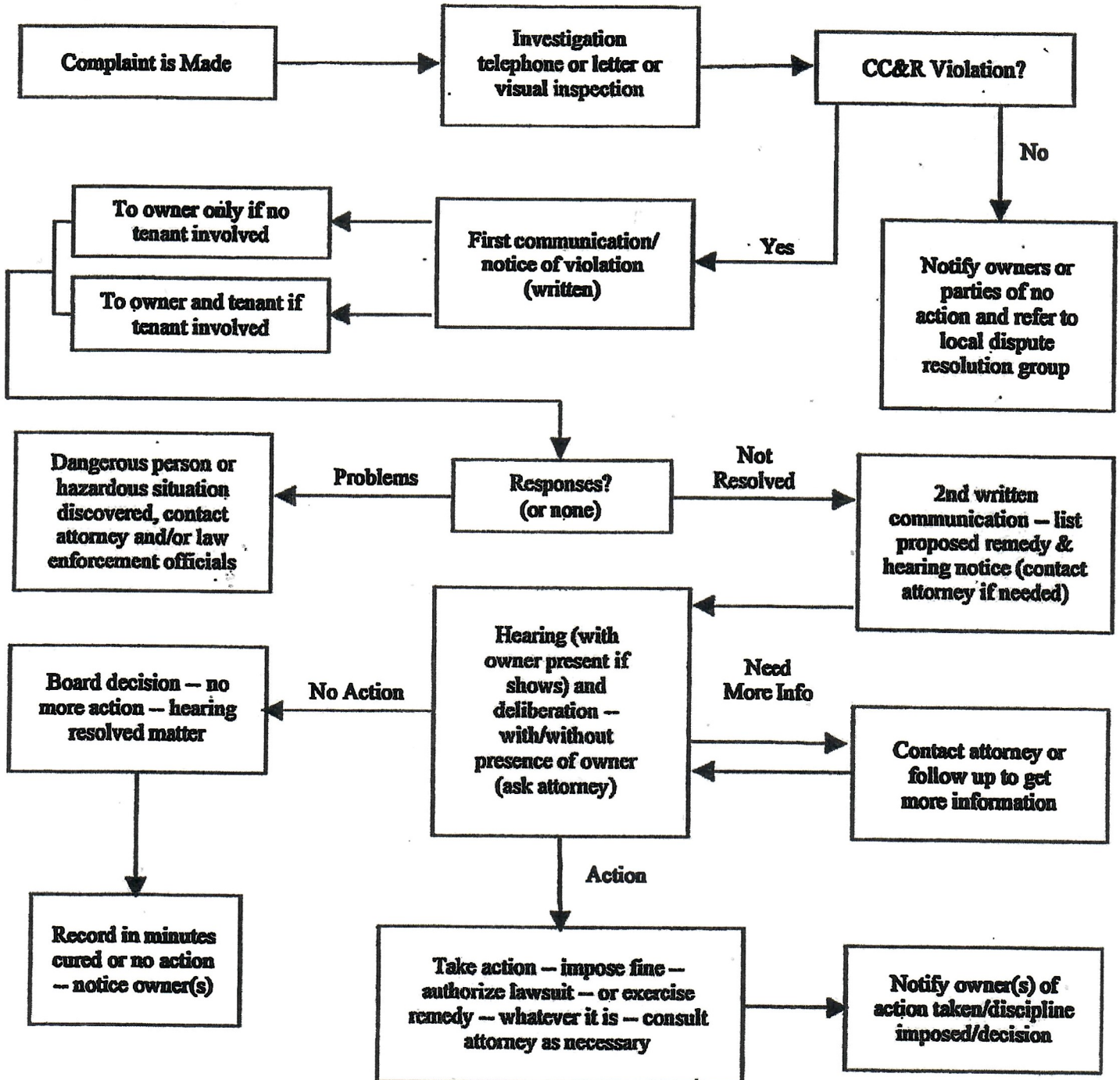
All complaints are to be submitted in writing and this written complaint should be forwarded to the Capistrano Homeowners' Association Board. The complaints will be reviewed by the Capistrano Homeowners' Association Board to determine if the complaint describes a violation of the declarations of Covenants, Conditions and Restrictions (CC&R) or these Rules. If it appears a violation of the CC&R has occurred or is occurring, Capistrano Homeowners' Association has an obligation to take reasonable action to abate the problem.

After the complaint is reviewed and determined to allege a violation of the CC&R or these Rules, the Board will schedule a hearing for the complainant(s) and bring parties before the Board to determine if the problem is resolvable within the Association's CC&R. All criminal acts will be turned over to local police enforcement authorities. If the complaint involves one neighbor in a dispute with another neighbor, and allegations of violations of the CC&R are asserted against both parties, the complaints will be turned over to mediation.

If a homeowner against whom a complaint has been lodged is unavailable to meet with the Board, then another meeting shall be scheduled. If a meeting before the Board is impossible, then a written reply from the homeowner(s) concerning the infraction will be issued. If the homeowner fails to respond or reply with two weeks of written notice, then the Board will assume the violation has occurred and will impose fines according to the Schedule of Fines listed in Section H of this document.

SUGGESTED MODEL TO RESOLVE

CC&R VIOLATION DISPUTES



Remember: Attitude is Important ... RESOLVE rather than ... ENFORCE

B. VIOLATION POLICY

1. Violation comes to the attention of the Board.
2. Investigation.
3. Board writes letter to Homeowner and requests presence before Board to discuss said violation. If the Homeowner is unavailable to meet with Board, then another meeting at a different time shall be scheduled. If a meeting before the Board is impossible, then a written reply from the Homeowner concerning the infraction will be taken. If Homeowner fails to respond or reply within two weeks of written notice, then the Board will assume the violation has occurred and will fine according to Section H Schedule of Fines in this document.

C. **MEDIATION**

By accepting ownership at Capistrano Condominiums, the owner acknowledges the following:

1. Mediation:

Conflicting parties agree to negotiate in good faith in an effort to resolve any dispute related to owning a condominium unit and the CC&R at Capistrano Condominiums that may arise between the parties. If the dispute cannot be resolved by negotiation, the dispute shall be submitted to mediation before resorting to arbitration or litigation. If the need for mediation arises, the parties to the dispute shall choose a mutually acceptable mediator and shall share the costs of mediation equally.

2. Attorney's Fees:

If the conflicting parties include Capistrano Condominium Association Officers or employees in any legal proceedings, the Capistrano Condominium Association shall be entitled to recover from the non-prevailing party all costs of such proceeding and reasonable attorney's fees.

D. RULES

1. Pool:

- a. The pool is to be used by residents and their guests only.
- b. Children under the age of 16 are NOT permitted in the pools at any time unless accompanied by an adult (21 or over) at all times. Parents will be responsible for the discipline of their children while using the pool area. For their safety, please see to it that there is no running, splashing, or horseplay in this area.
- c. Proper swim attire is required. No cutoff jeans will be allowed.
- d. No GLASS containers in or around the pool at any time.
- e. Pets are prohibited in or around the pool areas.
- f. If you move pool furniture, please return it to its normal position when you are finished.
- g. No cans, trash, or cigarette butts are to be left in the pool area. Use receptacles provided at each pool.
- h. Please respect all other residents' privacy while using the pool area.
- i. No lifeguard on duty. SWIM AT YOUR OWN RISK!
- j. Each unit allowed up to four (4) guests at pool at one time accompanied by resident.
- k. For residents' security and safety, do not share your gate code access number with a non-resident or visitor. (Exceptions: Amazon, UPS, FedEx or other authorized delivery service).

2. Pets:

- a. The following rules apply to all pets at Capistrano Condominiums. No more than two pets per household. Homeowners and/or Residents whose pets are found running at large will be subject to the fines set out in this document. Owners and/or Residents whose pets are found damaging, soiling, defecating on or defiling any private property or the common elements will be fined according to this document. Owners and/or Residents whose pets are found causing unsanitary, dangerous or offensive conditions will be fined according to this document. Owners and/or Residents whose pets are found causing odors that are detected will be fined according to this document. Homeowners and/or Residents are responsible for picking up any droppings of their pet. Pet bags are provided throughout the complex to pick-up dog waste. This applies to droppings on the grounds as well as patios, decks and balconies. Homeowners and/or Residents whose pets are found making or causing noises of sufficient volume to disturb any resident will be fined according to this document. Homeowners and/or Residents whose pets are found attacking or otherwise interfering with the freedom of movement of persons and other pets on the common elements, chasing vehicles, attacking other pets or creating a disturbance in any other way will also be fined according to this document.
- b. No livestock, reptiles or poultry of any kind shall be raised, bred or kept in any unit or the common elements. Dogs are limited to an adult size weight of 65 pounds. Homeowner should consider the size of dog before purchasing to see that the dog does not exceed this weight limit when full grown. ADA Service Dogs are permitted with proof of registration and by wearing a service vest or tag.
- c. Animals belonging to unit owners or occupants, tenants or invitees within the property must be kept within an enclosure or the enclosed patio or on a leash being held by a person capable of controlling the animal. The enclosure must be so maintained that the animal cannot escape therefrom and shall be subject to the approval of the Board. Should any animal belonging to a unit owner be found unattended outside of the enclosure and not being held on a leash by a person capable of controlling the animal, such animal may be removed by the Association, or a person designated by the Association to do so, to a pound under the jurisdiction of the local municipality in which the property is situated and subject to the laws and rules governing such pound or a comparable animal shelter.

- d. Furthermore, the unit owner shall be absolutely liable to each and all remaining unit owners, their families, guests, tenants, invitees and the Capistrano Homeowners' Association for any unreasonable noises or damage to persons or property caused by any animals brought or kept on the property by the unit owner or members of his family, his tenants or his guests and it will be the absolute duty and responsibility of each owner to clean up after each animal which have used any portion of the common elements. The homeowner will also be responsible for all fines incurred for violating the CC&R.

3. **Occupancy:**

- a. There will be no more than two people per bedroom.
- b. Guests are allowed; however, guests are considered permanent residents after four (4) weeks.
- c. Homeowner will be fined according to the fine schedule in this document for violating this rule.
- d. Homeowners leasing their units will notify the office of the name, email and phone number of occupants and dates covered by leases.

4. **Garage Sales:**

- a. Garage sales will be limited to two (2) per year. Garage sales will be community wide and only with the approval of the Board of Directors. The garage sales will coincide with the Churchill Estates Neighborhood Association garage sales. Fees imposed and permit required by the City of San Antonio will be paid and acquired by the tenant participants. The permit issued by the City of San Antonio must be in plain sight at the sale site. A sign will be posted on the bulletin board inside the mail box building, notifying residents the date the garage sale is taking place. The sale will be conducted in the parking lot in front of the clubhouse/office.
- b. People attending the garage sale will be asked to park on the perimeter of the property and will be allowed only to walk on the property in the immediate vicinity of the sale.
- c. Individual garage sales are prohibited.

5. Parking:

- a. In accordance with existing Fire Regulations and Condominium Rules, all cars must be parked in designated parking areas or in garages. Failure to comply with this will result in:
 - (1.) Cars in violation will be towed away.
 - (2.) It will be necessary for owners to pay towing and storage charges in order to get cars back. Improper parking also causes inconvenience to others entering or leaving.
- b. No Homeowner and/or Tenant of Capistrano Condominiums shall park, store or keep any vehicle, except those in operating condition and with current registration wholly within the parking space designated and, therefore, any inoperable vehicle shall not be stored in a parking space or within the common elements in general. No resident/owner shall park, store or keep within or adjoining the property any large commercial type vehicle (dump truck, cement mixer truck, oil or gas truck, delivery truck, or any other commercial vehicle, equipment, mobile or otherwise, deemed to be a nuisance by the Board). No Homeowner and/or Tenant shall park, store or keep within or adjoining the property any recreational vehicle, camper unit, motor home, truck trailer, boat, mobile home, or other similar vehicle deemed to be a nuisance by the Board. No Homeowner and/or Tenant shall conduct major repairs or major restorations of any motor vehicle, boat trailer, aircraft or any other vehicle upon Capistrano common elements. Parking spaces shall be used for parking only. Residents are to park only on one (1) parking spot (not over the line occupying two spaces).
- c. Resident parking decals are provided to each resident/tenant by the HOA. All Cars must be registered with the office in order to pick-up the decal or a visitor's hanging tag. These vehicle decals are to be displayed on the left rear window or driver side where it is visible. For cars with tinted windows, they may be placed on the front passenger side. The visitor's pass is to be hung and displayed on the front rearview mirror. The visitor's pass is to be used only if you have a visitor's car vehicle that is going to be parked overnight or for several nights. Guests that are visiting for the day do not need a visitor's pass.

6. **Driveway:**

- a. No parking.
- b. No sports (i.e., rollerblading, skateboarding, basketball).
- c. Be courteous and don't block the driveway of your neighbor. They may be going to work, school, or hospital. In case you are unloading a vehicle, please let your neighbor know and move the vehicle if requested.
- d. 10 mph speed limit.

a. Tenant Occupied Homes:

Tenants of Capistrano Condominiums are bound by these rules and regulations and it is the duty of the Homeowner to inform the tenant of such rules. A statement that all tenants (Lessees) are subject to the terms of the HOA Declaration, By-Laws and Rules & Regulations is required to be included in all lease agreements of Capistrano units. All leases of units must be in writing and for a minimum of 30 days. Sub-leases are not allowed. In case of a violation of these rules by a tenant, the Homeowner will be notified. The Homeowner is responsible for all fines.

b. Insurance:

- a) Insurance coverage on the furnishings and other items of personal property belonging to a Unit Owner and casualty and public liability insurance coverage within each Unit are specifically made the responsibility of each Unit Owner, and each Unit Owner must furnish a copy of their insurance policy to the Association.

9. Automobiles:

- a. There will be no hand washing of vehicles & motorcycles on the property.
- b. No more than four (4) automobiles per unit.
- c. Only automobiles belonging to Homeowners, tenants and their guests shall be parked on the property.
- a. Resident parking decals and visitor's hanging tags are to be displayed at all times.

10. Signs:

- a. No signs, including realtor "For Sale" signs, are to be displayed on the property.
- b. Security signs will be allowed
- c. Only USA or Texas Flags to be displayed

11. Garbage and Recycling:

- a. All garbage is to be placed in plastic bags and the bags tied shut. Bags are to be placed outside near the garage door on ***Monday and Thursday*** ONLY by 10:00 A.M. for pick-up. Don't place garbage out any other day. If you have garbage on other days, please take it to the dumpster. No bags of garbage will be stored on patios or balconies.
- b. Trash cans. If you choose to use a trash can it must have a bag inside with the bag secured. After the trash has been picked up the trash can is to be placed inside your garage or your unit. Do not leave trash cans in the driveway.
- c. Blue Recycling Bins. Every unit should have a blue recycling bin with their unit number on it. The blue recycling bin should be placed outside near the garage door with the garbage on ***Monday and Thursday*** only by 10:00 AM for pick-up. Brown paper bag okay to use for recycling only! **Acceptable recycling items:** Plastics (other than plastic bags), cans, cartons, metal, glass, paper, paperboard, boxes (Flattened or broken down). **Unacceptable recycling items:** Delivery pizza boxes, Styrofoam, any Plastic Bags, (including Wal-Mart, HEB and Target type grocery bags or trash bags.)
- d. Boxes are to be broken down and placed in the dumpster.
- e. Cat litter to be disposed at the dumpster. The HOA will not be picking up cat litter.
- f. The dumpster is for general household trash only. Appliances are ***not allowed***. Disposal of old appliances is the responsibility of the Homeowners (or their agents, such as contractors or vendors from whom the new appliances were purchased).
- g. All paints and hazardous materials should be taken to the Household Hazardous Waste Collection area, operated by the City of San Antonio.

HOUSEHOLD HAZARDOUS WASTE COLLECTION DAY

CHECKLIST OF ITEMS TO BRING

GARAGE/GARDEN

- Used Motor Oil
- Antifreeze
- Batteries
- Brake Fluid
- Herbicides/Pesticides
- Rat Poison
- Pool Chemicals

CLEANING PRODUCTS

- Drain Cleaners
- Oven Cleaners
- Spot Removers
- Tile Cleaners
- Furniture Polish
- Metal Polish
- Bathroom Cleaners

PAINT, SUPPLIES

- Paint Thinner
- Paint Stripper
- Spray Cans
- Lacquer
- Wood Preservatives
- Solvents

TIPS ON PREPARING, TRANSPORTING WASTES

- Be sure to bring a recent CPS bill as proof of residency.
- Put materials into a box and place the box in the trunk of your car.
- Don't allow small children to come in contact with wastes.
- Read the San Antonio Express News for directions and detailed information on what to bring.
- Tune in to KTSA for interviews and helpful information on what to bring.



⊘ THESE ITEMS CANNOT BE ACCEPTED ⊘

X Tires

X Trash

X Ammunition

X Commercial/Industrial Waste

X Explosives/Fireworks

X Medical Waste

X Unidentified Wastes

X Business Waste

X Flares

X Smoke Detectors

X Radioactive Material

X Gas Cylinders

MINIMIZE YOUR HOUSEHOLD HAZARDOUS WASTES

Avoid buying products that contain toxic materials. For example, use cedar chips instead of mothballs. Also, buy only what you need so you won't have to store

leftover products. And, until the next Household Hazardous Waste Collection Day, store hazardous materials in a cool place, away from children and pets.



TELL YOUR FRIENDS AND NEIGHBORS ABOUT THIS
HOUSEHOLD HAZARDOUS WASTE COLLECTION DAY!

RECYCLE

EMPTY AND RINSE ALL CONTAINERS. DO NOT BAG YOUR RECYCLABLES. DO NOT FLATTEN CONTAINERS.



PLASTICS



CARTONS



METAL



GLASS



NEWSPAPER,
MAGAZINES
AND BOOKS



PAPERBOARD



OFFICE PAPER
AND MAIL



FLATTENED
CARDBOARD

What can be recycled?

Recyclable

These items can be recycled in one container with All-in-One Recycling™



Paper

Newspaper
Envelopes
Junk mail
Phone books
Brochures
Magazines



Cardboard

Ream wrappers
File folders
Poster board
Frozen food boxes
Cardboard boxes
Milk cartons



Plastic

Water bottles
Take-out containers
Soda bottles



Aluminum/Metal

Aluminum beverage cans
Food cans
Scrap metal



Glass*

Beverage containers
Glass food jars

*Glass recycling varies by location.

Special handling

These items should never be mixed with regular recycling and require special handling. Learn more at [RepublicServices.com](https://www.RepublicServices.com)

Incandescent light bulbs
Fluorescent tubes
Computers & electronics
Needles or syringes
Hazardous waste
Paint
Toxic material containers
Yard waste

Non-recyclable

Aerosol cans	Plastic bags
Aluminum foil	Shredded paper
Batteries	Stickers/Address labels
Clothing	Tissue
Food waste	Styrofoam
Napkins	Paper towels
Mirrors	Glass windows
Ceramic	Pyrex

For more information on recyclables, visit [RepublicServices.com](https://www.RepublicServices.com)



We'll handle it from here.™

12. Miscellaneous Rules:

- a. No rubbish, trash, garbage in bags or any other waste materials shall be kept or permitted upon any unit or the common elements, patios and balconies except in sanitary containers located in appropriate areas screened and concealed from view and no odor shall be permitted to arise from them as to render the property or any portion thereof unsanitary, unsightly, offensive or detrimental to any other property in the vicinity thereof or to its occupants. There shall be no feeding of animals in common or unenclosed limited common areas on the property.
- b. There shall be no exterior fires whatsoever except barbeque fires contained within receptacles designated in a barbeque pit. All barbeque pits and cooking devices shall be used in accordance with the attached City of San Antonio regulations.
- c. Patios and balconies – No clothing or household fabric shall be hung, dried or aired in such a way on the property as to be visible to other property owners. No lumber, grass, shrubs, tree clippings, plant waste, metal, bulk material, scrap, refuse or trash shall be kept, stored or allowed to accumulate on any patio or balcony or other portion of the property. Patios and balconies are to be kept clean and free of debris.
- d. Firewood may be stored on patios from November to February of each year. The firewood must be at least 6 inches off the ground and not touching the building or fence, confined to 3 feet by 3 feet area and must not be stacked higher than the fence.
- e. No structure of a temporary character, trailer, tent, shack, garage, barn or other out buildings shall be permitted on the property at any time or permanently without the written consent of the Board. However, temporary structures may be erected for use in construction with repair or the rebuilding of the buildings or any portion thereof as in reconstruction of the inside of a condominium or upgrade in a manner approved in advance by the Board.
- f. Except within individual Units no planting, transplanting or gardening shall be done, and no fences, hedges or walls shall be erected or maintained upon the Property, except as approved by the Board.
- g. Lighting – There will be no outside lighting except during the Christmas season

- h. Garden Hoses – No hoses will be attached to faucets except when in use. All hoses are to be stored out of sight when not in use. No hose, when not in use will be attached to a faucet at the garage. Driveways are to be clear of debris.
- i. Water - No Resident will turn off the water at the street. A resident will not authorize a plumber to turn off the water. Call the office if you need the water to be turned off at the street. (This shuts off water to the entire property). If it is after office hours, call the emergency number, 210-650-1636 and report the problem
- j. No window A/C Units permitted
- k. Repairs – If there is any problems which requires the hiring of a contractor to determine the source and responsibility of repairing such problem, a contractor will be hired by the association and the cost of such visit will be the responsibility of the party deemed to be responsible for the repairs (whether the association or owner).



CITY OF SAN ANTONIO

San Antonio Fire Department

Fire Prevention Division

1901 SOUTH ALAMO STREET
SAN ANTONIO, TEXAS 78204
(210) 207-8410 FAX: (210) 207-7949



****Fire Prevention Training Bulletin****

Date: March 16, 2010

Topic: Open Burning and BBQ pits in Group R Occupancies

Purpose: Clarification of Code Requirements for BBQ pits and Open Burning

The City of San Antonio's adopted fire code is the 2009 *International Fire Code* with local amendments. Over the years, changes have been made to the fire code requirements for open burning and code compliant safe distances for barbecue pits near combustible construction at apartment complexes. This training bulletin will hopefully clarify these code requirements so that company officers can provide clear and consistent direction to citizens when responding to "Unauthorized Burning" calls.

The following references are from the 2009 *International Fire Code* and our San Antonio Fire Department local amendments.

308.1.4 Open-flame cooking devices. *Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.*

Exceptions:

1. *One- and two-family dwellings.*
2. *LP-gas cooking devices having LP-gas container with a water capacity not greater than 2 1/2 pounds [nominal 1 pound (0.454 kg) LP-gas capacity].*

Note: Storage of Propane containers (such as those that are attached to barbecue pits) is not allowed on exterior balconies. Exception #2 above refers to small, one (1) lb. containers like the ones you would find on a camp stove or camp lantern.

308.5 Fire Hazard Prohibited. *In Group R, Division 1 & 2 occupancies, a person shall not construct, erect, install, maintain or use any incinerator or barbecue pit or grill or so burn any combustible material as to constitute or occasion a fire hazard by the use or burning thereof or as to endanger the life or property of any person thereof.*

The use or burning of any such devices under the following conditions shall constitute a fire hazard and is strictly prohibited:

1. *Within ten (10) linear feet of any combustible surface, including but not limited to decks, porches, balconies, walls, or verandas.*
2. *Beneath any balcony, porch, roof overhang, deck, or veranda.*

Previous code versions and amendments were in conflict as the amendments read five (5) feet while the code sections in the book read ten (10) feet as the "safe" distance. The newly adopted code corrects this discrepancy. The safe distance for the operation of BBQ pits is, per code, ten



CITY OF SAN ANTONIO

San Antonio Fire Department

Fire Prevention Division

1901 SOUTH ALAMO STREET
SAN ANTONIO, TEXAS 78204
(210) 207-8410 FAX: (210) 207-7949



(10) feet from combustible construction or combustible surfaces. Their use is not allowed on combustible balconies or beneath any balcony, porch, deck, or overhang.

The 2009 International Fire Code (with local amendments) also addresses open burning:

Section 307.2.2 Burning Rubbish, Brush and Other Combustible Matter as listed in the local amendments to the International Fire Code reads as follows:

1. Unlawful to burn trash without permit. It shall be unlawful for any person to burn or cause to be burned, any trash, brush, tree limbs, grass, trees, leaves, paper, boards, planks, shavings, or any other combustible material whatsoever within the corporate limits of the city, without first having a permit therefore as required by subsection (2) of this section, unless the same is burned in an incinerator or container which has been approved in writing by the Fire Chief or his designee, and said incinerator or container when used for burning shall be so located that no smoke therefrom shall go into surrounding buildings, nor shall the operation of said incinerator or container create a fire hazard to the surrounding property.

Therefore, citizens may not burn without obtaining a permit unless the container or incinerator has been approved by the Fire Chief or his designee. Commercially sold wood burning devices designed for exterior heating such as outdoor fireplaces, fire bowls, "chimeneas", etc. are considered approved devices as long as trash is not being burned, smoke generated from these devices does not go into surrounding buildings, the device is not creating a fire hazard, and the screen (spark arrestor) is in place. There is some subjectivity in what constitutes a "fire hazard" even in an approved device. The device is not to be left unattended and some means of extinguishment (portable extinguisher, garden hose, etc) must be readily available.

Open burning in barbecue pits, like outdoor wood burning devices, is allowed for the intended use of cooking. Using a cooking device to burn trash is unlawful and strictly prohibited without a permit. The permit requirements, subsection (2), are not included in this bulletin.

Summary:

1. The code referenced safe distance for the operation of barbecue pits at apartments, condos, etc. is ten (10) feet from combustible surfaces or combustible construction.
2. Barbecue pits, incinerators, or other wood burning devices are not allowed to be used on combustible balconies or under any balcony, overhang, porch, deck, or veranda.
3. Open burning is prohibited unless a permit is obtained or it is done in an approved container. Even if an approved container is used, trash must not be burned, smoke generated must not go into surrounding buildings, nor shall the burning create a fire hazard.

Please direct any questions to the Fire Prevention Division at 210-207-8410

13. Condominium Upgrade and Reconstruction

Before any outside area of a homeowner's condominium undergoes reconstruction, the Board must approve that construction. Before the construction is started, the homeowner must submit in writing what the construction will consist of and what company will be conducting the construction. If construction alters the outside of the condominium in any way, the homeowner must submit an architect's drawing or input as to the way the structure will be altered. The homeowner is responsible for the costs incurred.

14. Alteration

An owner shall do no act nor any work inside or out that will impair the structural soundness and integrity of the building or impair any easement or hereditament. No owner shall in any way alter, modify or add or otherwise perform any work whatever upon any of the common elements, general or limited, without prior written consent and approval in writing by the Board of Capistrano Condominium Homeowners' Association. Any such alterations or modifications shall be in harmony with the external design and location of the surrounding structures and topography and shall not be commenced until the alteration has been approved by the Board of Capistrano Condominium Homeowners' Association. Submission to the Association of complete plans and specifications showing the nature, kind, shape, size, material, color and location for all proposed work shall be provided to the Board at least thirty (30) days prior to commencement. The Board shall have the obligation to approve or deny the plans and specifications submitted by the owner within thirty (30) days after receipt of the notice of the proposed alterations. Failure to so answer within the stipulated time shall mean that there is no objection to the proposed alteration or modification. During the review period, the Board shall have the sole right to approve or reject any plans and specifications submitted for consideration by an owner. Altering the outside appearance without Board approval will result in fines set out in Schedule H of this document.

15. Noise

Respect your neighbors. Do not play stereos, televisions, musical instruments or any other activity whereas the sound from these can be heard outside your home. On the same note, no non-emergency construction causing significant noise is to be performed (inside or outside the unit) after 8:00 PM or prior to 8:00 AM.

No noxious or offensive activity shall be carried on, in or upon the common elements, nor shall **anything** be done therein which may be or become an unreasonable annoyance or a nuisance to any other unit owner. No loud noise or noxious odors shall be permitted on the property. Without limiting the generality of any of the foregoing provisions, no exterior speakers, horns, whistles, bell or other sound devices, noisy vehicles, power equipment or power tools, off-road vehicles or other items which may unreasonably interfere with television or radio reception of any unit owner.

16. Satellite Dishes

- a. Satellite Dishes are to be installed on the fascia boards NOT on the roofs.
- b. All cable/wiring must be placed along the underside of eaves of the unit(s) and firmly secured with clips to insure the cable/wiring does not hang loose. The cable/wiring is not to be visible across any other unit.
- c. The Homeowner is responsible for removing the dish and any cable/wiring upon the sale of their unit.

E. MAINTENANCE

a. Upkeep

The Capistrano Homeowners' Association is responsible for the common areas, which includes the roof, garage door, outside of the building, care of the grounds and maintenance of both swimming pools. The Homeowner is responsible for the HVAC system, inside plumbing and electrical.

b. Repairs

Any maintenance requests should be made in writing and include the date and be forwarded to the manager. The manager will create a work order and note it in the maintenance log.

Capistrano Homeowners' Association Maintenance personnel are not to conduct repairs for individual homeowners during business hours

c. Pest Control

The Homeowner's Association does not provide individual pest control. However, it is recommended that pest control be performed by a professional twice a year by a pest control company.



November 20, 2001

TO: Capistrano Unit Owners
FROM: Capistrano Board of Directors/Manager
SUBJECT: Repairs Policy

The purpose of this memo is to clarify and provide notice to all Unit Owners of the responsibilities of both the Association and individual Unit Owners regarding repairs to Capistrano Condominium Units.

Following is a brief summary of these responsibilities based on a review of the Condominium Declaration and other relevant documents, including the by-laws and insurance policy of the Association, by Attorneys for the Association:

The Association's responsibility begins with the exterior perimeter and extends to the unfinished interior wall, floor, ceiling, etc., specifically excluding the covering or finish for the same (e.g., paint, wallpaper, fabric, tile, carpet, etc.). The homeowner is responsible for the finished wall (including paint, wallpaper, fabric, tile, and carpet), fixtures, appliances, etc.

It is also the policy of the Association to directly hire or approve any contractors or workers making repairs to the common areas for which it is responsible, after having the opportunity to determine that responsibility. Individual Unit Owners will not be reimbursed for out-of-pocket expenses incurred before receiving approval from the Association management to incur such on its behalf.

Each Owner is responsible for notifying the Association of any damages or needed repairs to their unit in a timely manner so that measures may be taken to prevent further damage and keep the property in good repair. Owners must also allow the Association access to their units during reasonable hours as may be necessary for the maintenance, repair or replacements of any of the Common Elements.

The Association carries insurance as required by the Declaration to cover losses that are the responsibility of the Association. Each individual Unit Owner is encouraged to carry insurance to cover losses that would be their responsibility, including damages to the items mentioned above.

F. ASSESSMENTS

- a. Assessments are very important part of the homeowners' association. They pay for insurance, up-keep, maintenance, water, sewer and garbage services, to name a few.
- b. Assessments are due on the first day of each month. They are late after the 15th day of each month. The Homeowner will be fined according to the fine schedule in Section H of this document.
- c. Failure to pay assessments and late fees may result in shutting off the water service to the unit and/or foreclosure proceedings.
- d. On March 22, 2013 and recorded in Book 12009 at pages 682-686 of the Official Public Records of Bexar County, Texas, Capistrano Homeowners' Association filed a Resolution Adopting Rules Regarding Termination of Water Service for Failure to pay Maintenance Assessments.

G. USE OF CLUB HOUSE

- a. The Club Room is provided for the use and enjoyment of all residents. To ensure that all residents benefit in an equitable manner and that the facility is maintained in top condition, use of the Club Room may be permitted only under the following conditions:
- b. Only residents of Capistrano Condominium community may reserve the Club Room, and scheduling will be conducted on a first-come, first served basis.
- c. Reservations for the Club Room must be accompanied by a deposit check/money order in the amount of \$100.00. The reservation is not assured until the check/money order is received and the Use Agreement has been signed.
- d. The resident reserving the Club Room is wholly responsible for any and all damages to and cleaning of the Club Room and associated facilities. This responsibility is NOT limited to the amount of deposit. A minimum of \$100.00 will be charged if clean-up has not been completed according to the terms set out in the Use Agreement. Deposit will be forfeited.
- e. Parties in the Club Room must be over by the time set forth in the Use Agreement. Specifically, all guests must be gone, lights must be out, and doors must be locked by the specified hour.
- f. Reservation of the Club Room does NOT include the pool or pool area, as these are common areas for the use of all residents.
- g. The resident reserving the Club Room is responsible for the cleaning of the room. This must include the following:
- h. Pick up and remove all trash and debris. Dispose properly in dumpster. This includes debris from common areas.
- i. Remove all cigarette butts and paper from all plants in pool area. There is no smoking permitted in the Clubhouse.
- j. Clean ashes out of fireplace, as applicable.
- k. Clean all tables, countertops and sinks. If any appliances were used, these must be cleaned and restored to original condition.

- l. Sweep and mop all floors.
- m. Return heat/AC to normal setting.
- n. Furniture is not to be removed from Club Room.
- o. Responsible for but not limited to the above.
- p. The reserving resident is responsible for keeping resident's guests in the Club Room to ensure that they do not wander throughout the community.
- q. Parking can be a problem in the case of large parties. Remind guests to park according to general regulations, i.e., do not block cars, driveways or curbs. Improperly parked vehicles will be towed at owner's expense.
- r. Persons reserving the Club Room will be responsible for any resulting injuries or accidents from any intoxicating substances and will hold Capistrano Homeowners' Association, Inc. harmless.

H. SCHEDULE OF FINES

The Schedule of Fines are established and will be imposed in the sole discretion of the Board, in an amount which will be based on the number and/or severity of the violation(s).

Payments of fines are to be made to the Capistrano Homeowners' Association. If the fine is not paid within thirty (30) days of the assessment of the fine, the assessment and/or any fines past due will accrue interest at the current yearly interest rate of 10%.

Any unpaid assessments and/or fines, plus interest thereon, may be collected upon the closing when the unit is sold. The Capistrano Homeowners' Association may retain legal counsel to pursue the collection of unpaid assessments, fines, together with interest and attorney's fees thereon. Such collection efforts may result in foreclosure proceedings on the property.

Non-payment of assessments or fines may result in foreclosure of property.

1. Pool

- a. Letter to Homeowner
- b. \$50.00 Fine
- c. \$100.00 Fine
- d. \$200.00 Fine
- e. \$300.00 Fine
- f. \$500.00 Fine

2. Pets

- a. Letter to Homeowner
- b. \$50.00 Fine
- c. \$100.00 Fine
- d. \$200.00 Fine
- e. \$300.00 Fine
- f. \$500.00 Fine

3. Occupancy

- a. Letter to Homeowner
- b. \$50.00 Fine
- c. \$100.00 Fine
- d. \$200.00 Fine
- e. \$300.00 Fine
- f. \$500.00 Fine

4. Unauthorized Garage Sales

- a. Letter to Homeowner
- b. \$50.00 Fine
- c. \$100.00 Fine
- d. \$200.00 Fine
- e. \$300.00 Fine
- f. \$500.00 Fine

5. Parking

- a. Letter to Homeowner
- b. Unauthorized Parking- \$50.00 Fine
- c. Blocked in Neighbor - \$100.00 Fine plus Towing Charge

6. Driveway

- a. Unauthorized Games or Sports
- b. Letter to Homeowner
- c. \$100.00 Fine
- d. \$200.00 Fine
- e. \$300.00 Fine

b. Speeding

- a. Letter to Homeowner
- b. \$ 50.00 Fine
- c. \$100.00 Fine
- d. \$200.00 Fine
- e. \$300.00 Fine
- f. 500.00 Fine

7. Automobiles

- a. Washing of Vehicle
- b. Letter to Homeowner
- c. \$50.00 Fine plus City Fine

9. Signs

- a. Letter to Homeowner
- b. \$ 50.00 Fine
- c. \$100.00 Fine
- d. \$200.00 Fine
- e. \$300.00 Fine
- f. \$500.00 Fine

10. Garbage
 - a. Letter to Homeowner
 - b. \$50.00 Fine
 - c. \$100.00 Fine
 - d. \$200.00 Fine
 - e. \$300.00 Fine
 - f. \$500.00 Fine

11. Miscellaneous Rules
 - a. Letter to Homeowner
 - b. \$50.00 Fine
 - c. \$100.00 Fine
 - d. \$200.00 Fine
 - e. \$300.00 Fine
 - f. \$500.00 Fine

12. Condominium Upgrade and Reconstruction
 - a. Letter to Homeowner
 - b. \$50.00 Fine
 - c. \$100.00 Fine
 - d. \$200.00 Fine
 - e. \$300.00 Fine
 - f. \$500.00 Fine

13. Alteration
 - a. Letter to Homeowner
 - b. \$50.00 Fine
 - c. \$100.00 Fine
 - d. \$200.00 Fine
 - e. \$300.00 Fine
 - f. \$500.00 Fine

14. Noise
 - a. Letter to Homeowner
 - b. \$50.00 Fine
 - c. \$100.00 Fine
 - d. \$200.00 Fine
 - e. \$300.00 Fine
 - f. \$500.00 Fine
15. Non-payment of Assessments
 - a. \$25.00 per month fine