

The Capes Homeowners Association

Community Rules

As Revised and Adopted: February 15, 2025

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Article I. Introduction

Section 1.01 Purpose

The intent of The Capes Homeowners Association Community Rules is to expand upon the rules created in the Declaration of Covenants, Conditions and Restrictions (CC&Rs), the Bylaws, and the Architectural Design Guidelines as it relates to the properties that comprise The Capes in Oceanside, Oregon.

Section 1.02 Defined Terms

The following capitalized terms are used throughout this document, and supplement the terms in the Declaration of Covenants, Conditions and Restrictions (CC&Rs) Article I and/or the Bylaws Article I and should be read with the intended meaning:

- “Architectural Review Committee (ARC)”: means the committee appointed pursuant to Article VII of the Declaration of Covenants, Conditions and Restrictions (CC&Rs)
- “Association”: means The Capes Homeowners Association.
- “Board”: means the Board of Directors of this Corporation constituted in accordance with Article V of the Bylaws.
- “Common Areas”: means those tracts designated as “tracts” or “common area” or “open space” on any plat of the property subject to the Declaration of Covenants, Conditions and Restrictions, or in any declaration annexing property to The Capes, including any improvements thereon. The Common Areas shall include all areas designated Common Area on the Plat of The Capes, all roads, Manager’s House, Bridge House, properties so designated by recorded amendment (including lots 1, 2, 131, and 172), parking areas, and a gate.
- “Governing Documents”: means Declaration of Covenants, Conditions and Restrictions (CC&Rs), the Bylaws, the Articles of Incorporation, and the Architectural Design Requirements.
- “Lot”: means a platted or partitioned lot within the Property, including both Attached Lots and Detached Lots, and a Condominium Unit, with the exception of any tract or Lot marked on a plat of the Property as being common or open space or so designated in the Declaration or the declaration annexing such property to The Capes.
- “Owner”: means the person or persons owning any Lot in the Property.
- “Rules”: this document, as adopted from time to time by the Board of Directors, also referred to as the Community Rules or The Capes HOA Community Rules.

Section 1.03 Amendment of Rules

These Rules may be adopted and amended from time to time to serve the needs of an evolving community pursuant to the procedures set forth in the Bylaws Article XIV. Such amendments shall be disseminated to the Owners prior to implementation as required by the Bylaws.

Section 1.04 Power to Create and Revise Rules

These Rules are created and revised, from time to time, by the Board of Directors under its powers granted by the Governing Documents.

Section 1.05 Compliance with All Other Rules and Ordinances

These Rules are intended to be consistent with, and an extension of, the Governing Documents. A Lot's Owner must comply with the provisions of the Governing Documents as well as any applicable codes and ordinances.

In the case of a conflict between these Rules and any section of the Governing Documents or applicable codes or ordinances, the other document will prevail as relates to the conflict, but all terms of these Rules not in conflict will continue in full effect.

Article II. Community Rules

Section 2.01 General Rules of Conduct

The following rules apply to all activities conducted within Common Areas, as well as meetings of the members, Board and committees even if held at a location other than within a Common Area.

(a) Conduct

All persons associated with The Capes must conduct themselves in a civil and courteous manner at all times and must not jeopardize or interfere with the rights and privileges of others.

(b) Harassment Prohibited

All forms of harassment, including, but not limited to, any physical, verbal or written abuse of any person who is a part of The Capes in any way, is prohibited.

No person's actions may compromise the health, safety or welfare of another person associated with The Capes.

(c) Violations, Generally

Any violation of these rules or other Governing Document may result in a fine to the Lot Owner who committed the violation. Violations committed by a family member, guest, or renter of a Lot Owner may result in a fine to the Lot Owner with whom they are associated. Fines levied shall be pursuant to the Association's fine policy then in effect.

If an Owner, renter, guest, or family member is found to be in violation of the rules in this section more than once during a one (1) year period, it will be deemed an ongoing violation and a fine for each instance will be assessed without further notice.

Section 2.02 Signs, Notices and Advertisements

(a) Common Areas

Signs, notices, advertisements, flyers, or posters may not be placed on, or distributed within, a Common Area without the prior written consent of the Board.

(b) Lots

No signs shall be erected or maintained on any Lot excepting placement of the following:

- (a) One “For Sale” sign placed temporarily by the Owner or by a licensed real estate agent, not exceeding twenty-four (24) inches high and thirty-six (36) inches long
- (b) “Political” signs placed temporarily by the Owner, not larger than twenty-four (24) inches high and thirty-six (36) inches long

Section 2.03 Tobacco, Marijuana, and Cannabis Products

No tobacco, marijuana, or cannabis product may be consumed on, or consumed within the boundaries of, any Common Area. This includes burning, or otherwise handling or controlling any lit or smoldering product containing tobacco, marijuana, or cannabis product including but not limited to cigarettes, cigars, pipes, or electronic smoking devices.

Section 2.04 Noise

(a) Quiet Time

Outdoor activities that produce noise, excluding walking and normal conversation, shall not occur between the hours of 10:00 pm and 7:00 am.

(b) Construction Noise

No construction work of any kind is permitted before 7:00 am or after 7:00 pm Monday through Saturday without prior written approval from the ARC or Board of Directors. Additionally, exterior construction work on homes making significant noise (this includes, but is not limited to grading, foundations, framing, siding or roofing) is not permitted before 9:00 am on Saturday. Exterior work that is loud and/or disruptive is not allowed on Sundays or holidays.

Section 2.05 Guests and Renters

(a) Registration

Non-family guests and renters staying in a home overnight without the Owner present must be pre-authorized with the management office. The owner must follow the current procedures as outlined in the Capes Policy for Guest Registrations to provide pre-authorization prior to the guest or renter’s arrival at The Capes.

(b) Rental Restrictions

- a. Per Article 12.3 Rental Restrictions of the CC&Rs, an Owner may rent their home for a total of no more than 30 calendar days per year.
- b. Each rental may not be for a period of less than 7 continuous days.

Section 2.06 Pets

All pets must be on leash, including when using the stairs to the beach. Pet waste must be cleaned and disposed of properly. Lot owners are responsible for pets of family, guests, or renters.

Section 2.07 Vehicles & Roads

(a) Recreational Vehicles & Boats

Boats, RVs, campers, trailers, or any other recreational vehicles or equipment are not allowed at The Capes unless stored in a garage. Otherwise, they are permitted in The Capes during loading and unloading only and may not be parked overnight on the street or in a driveway.

(b) Roads

- a. All posted road signs must be obeyed, including stop signs and speed limits. The speed limit within The Capes is 15 mph.
- b. Passing another moving motor vehicle traveling in the same direction is not permitted.
- c. Bicycles, tricycles, and electric vehicles (golf carts) are permitted on paved areas only.
- d. Rollerblading, roller skating, skateboarding or similar is not permitted within The Capes.

Section 2.08 Lighting

(a) Exterior Lighting

Exterior lights (fixtures installed on the sides or eaves of a living unit) should be shielded, downward-directing fixtures with white, low-intensity light sources. Non-shielded fixtures may be used only if equipped with frosted glass to diffuse the light. All fixtures should direct light away from neighboring properties.

A lighting curfew of 10:00 PM is strongly encouraged. Exterior lights left on after 10:00 PM must have a color temperature $\leq 3000\text{K}$ and emit 450 lumens or less. Lighting for house numbers is exempt from the 10:00 PM curfew for safety and emergency services purposes. Fixtures for house numbers should be shielded or equipped with frosted glass and use white, low-intensity bulbs consistent with the specifications above. Townhomes with specified fixtures for house numbers must maintain these fixtures.

Outdoor lights (fixtures installed on the lot, including driveway, walkway, staircase and landscape lighting) must direct light downward and away from neighboring properties. White,

low-intensity bulbs should be used, and must have a color temperature $\leq 3000\text{K}$ and emit 220 lumens or less.

Flood lights are strongly discouraged, but if installed, must be shielded to direct light downward and away from neighboring properties and must use white bulbs with a maximum emission of 800 lumens and a color temperature $\leq 3000\text{K}$. Flood lights must comply with the 10:00 PM curfew.

Motion-activated and security lighting will be evaluated by the ARC on a case-by-case basis.

Existing fixtures that do not comply with these guidelines must be replaced with compliant lights when they are next updated or repaired. All changes to exterior and outdoor lighting fixtures must be submitted to the ARC for review and approval prior to installation.

(b) Holiday Lighting

Holiday lighting may be illuminated up to two weeks prior to the holiday and must be removed by two weeks following the holiday or holiday period. It should not be turned on prior to dusk and must be turned off by 11:00 pm. The only exception is on the day of the holiday being celebrated, when the lights may be illuminated all day. In no case may an external noise- or sound-making system be employed.

Section 2.09 Garbage

(a) On Lots

All garbage or other waste shall be kept in appropriate sanitary containers and out of public view and should not be dumped on any lot or Common Area.

(b) Dumpster Usage

- a. All boxes must be broken down flat, all other trash must be bagged
- b. The following items are not permitted in the dumpsters and must be taken to the local transfer station/landfill:
 - i. Hazardous materials (paint, oil, other flammable solvents, car batteries, etc.)
 - ii. Electronics
 - iii. Furniture or mattresses
 - iv. Construction material
 - v. Any other large, unbagged items which take up undue space or prevent the dumpster lid from closing
- c. Nothing should be left on the ground next to the dumpsters

Section 2.10 Bluff and Dune

No walking on the bluff or dune is allowed. Beach access is permitted via designated trail only.

Section 2.11 Fire Safety

No fireworks, fire pits, bonfires or open burning of any kind are permitted at any time. Firewood may not be stored outside of a living unit.

Section 2.12 Landscaping

(a) Unimproved Lots

All unimproved Lots shall be kept free of dead trees and man-made debris and shall otherwise be left in their natural condition until construction commences pursuant to a plan approved by the Architectural Review Committee. No Owner may recontour, excavate, fill, remove sand from or otherwise alter the surface or landscaping of an unimproved Lot except as necessary to comply with Section 6.11 of the CC&Rs, unless in connection with a construction plan approved by the Architectural Review Committee or a landscaping plan approved by the Landscape Committee.

(b) New Construction

All new construction shall submit a landscaping plan to 'The Capes' Landscape Committee (or in the absence of a Landscape Committee, the Board of Directors will serve as the acting Landscape Committee). The Landscape Committee must approve the landscaping plan and the landscaping must be completed within 6 months from the date of occupancy unless an extension has been granted by the Architectural Review Committee.

(c) Improved Lots

Prior to making any material changes to the landscaping of an improved Lot, such Lot Owner shall submit a landscaping plan to Landscape Committee (or in the absence of a Landscape Committee, the Board of Directors will serve as the acting Landscape Committee). All landscaping work that has been approved by the Landscape Committee shall be completed within 6 months from the beginning of such landscaping work.

(d) Landscape Plans

All landscape plans shall show the nature, kind, shape, height, materials and location of each material element of landscaping incorporated into such plan.

(a) Decision.

The Landscape Committee shall communicate its decision to the applicable Lot Owner within 30 working days after it has received a complete landscaping plan. The Landscape Committee's consent to any proposed landscaping shall automatically be revoked one year after issuance unless such landscaping work has been commenced or the Owner has requested and received an extension of time from the Landscape Committee. In the event the Landscape Committee fails to render its approval or disapproval within thirty (30) working days after the Landscape Committee has received all material required by it with respect to the proposal, or if no suit to enforce this Community Rule has been commenced within one year after completion of such

landscaping work, approval will not be required and the related provisions of this Community Rule shall be deemed to have been fully complied with.