

## HOLIDAY DECORATION POLICY

Resolution  
# 000025

**DATE:** Original Proposal - April 25, 2012  
Revised: September 4, 2012

**ADOPTED:**

**SUBMITTED BY:** Richard Coombs and Otis Turner, Directors

**TOPIC:** Resolution for Holiday Decoration Policy

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**Background:** The Association Board established rules, policies and procedures for placement of seasonal Holiday Decorations in 2010. In November, 2011, Management and the Board were required to respond to inquiries from Members, including prior Directors, concerning whether the prior policy would be followed. In January and April, 2012, the Board circulated a new Holiday Decoration Policy and received input from members. Clarifying the prior policy benefits the Association, Members and Management and provides a clear policy and standard for Members.

**Benefits:** Eliminates inquiries to management on policy. Provides clear direction for management and members in erecting and maintaining reasonable seasonal Holiday Decorations. Provides for membership cooperation in implementing the policy. Provides for summary compliance process. Eliminates landscaping maintenance conflicts. Provides direction to Members on penetration of common area surfaces for fasteners. Establishes safety limits and insurance exposure.

**Technical and Management Burden:** May require Management response to safety concerns or improper installations on request.

**Legal Review:** To be determined.

**Fiscal Impact:** To be determined. Possible increase in Management responsibilities if inspections are required or complaints are received.

### PREAMBLE

The Second Amended Covenants, Conditions and Restrictions of the Association grant exclusive responsibility for the Common Areas to the Association [Article VII, Section 7.01]. Use of Common Areas is restricted [Section 8.04, 8.05, 8.20, 8.23] but the Association membership has overwhelmingly supported the adoption of a Holiday Decoration policy and it is the Board's desire to adopt a policy which allows members to install reasonable holiday decorations that provide for consideration of neighbors' rights to use and enjoyment of their properties. The

Board has considered member comments on the original proposal submitted April 25, 2012 and is prepared to adopt the following policy.

**Whereas**, Section 3.07 of Nepenthe Association Second Amended and Restated Declarations of Covenants, Conditions and Restrictions (CC&R's) allows the Association through its Board of Directors to propose, enact, and amend rules and regulations regarding matters pertaining to use of Common Area Facilities; and,

**Whereas**, Article VIII of Nepenthe Association Second Amended and Restated Declarations of Covenants, Conditions and Restrictions (CC&R's) does not prohibit reasonable and tasteful display of Holiday Decorations; and,

**Whereas**, Nepenthe Association's Board has previously established a written policy for Holiday Decorations displayed between the fourth Friday in November of each calendar year and the first Monday in January of each calendar year which is ambiguous; and,

**Whereas**, the present Board desires to clarify and confirm the Association's written policy to provide the Association, Management, and Members with a clear procedure for Holiday decorations;

**Now, therefore, it is Resolved** that the Association approves the installation and placement of seasonal outdoor decorations between the weekend prior to Thanksgiving and January 7<sup>th</sup> of each calendar year under the following conditions:

1. Members may place seasonal holiday decorations on the immediate front entrance, garage door surrounds, gutters, alley ways, including shrubs, bushes, and trees immediately adjoining a Member's property to a maximum height of fifteen feet. By doing so, Member assumes all responsibility for any damage caused by Holiday Decorations to the Common Area or Common Facilities and any damage or injury to persons or property.
2. Decorations may be installed on Common Areas by plastic clips so long as they do not cause damage to the Common Area or Common Facilities. [See illustrations attached].
3. Members are unrestricted in placing holiday decorations in the interior of their property visible to the exterior.
4. No electrical seasonal decorations shall be placed on or in any Common Area or Common Facility light fixture.
5. Decorations or electrical cords may not encroach upon alleys or walkways or present a trip hazard in areas normally traveled by pedestrians.
6. Decorations may not obscure address plaques or Common Area lighting.
7. Decorations may not interfere with health or safety of the public or create a risk of injury or damage to persons or property.
8. Decorations may not be placed upon roofs, and no person shall access the roof for installation.

9. Electrical decorations shall be installed pursuant to manufacturer's recommendations.
10. Sound effects are prohibited.
11. Flashing lights, twinkling lights and inflatable decorations in the Common Area are prohibited.
12. Decorations or electrical connections which pose a safety hazard or which expose the Association to increased insurance costs are prohibited.
13. Compliance with this policy is exclusively reserved by the Association. Association reserves the right to disconnect, relocate or remove Holiday Decorations not in compliance with this policy. Association will make reasonable efforts to notify a member and request compliance. Association will not be responsible for damage to any Holiday Decoration it disconnects, relocates or removes.

Resolved further, that Management shall publish in the Association Newsletter, transmit to each Member and post a copy of these resolutions at the Main Clubhouse no later than November 1<sup>st</sup> of each calendar year.

Dated: September \_\_, 2012

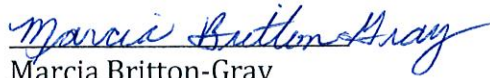
#### **CERTIFICATE OF SECRETARY**

I certify that:

I am the Secretary of Nepenthe Homeowners Association, a California nonprofit corporation.

The foregoing is a true copy of a Resolution adopted by the Board of Directors on SEPTEMBER 25, 2012. The resolutions adopted and action taken by the Board are in conformity with the articles of incorporation, bylaws and Covenants, Conditions and Restrictions of the corporation (as amended), have never been modified or repealed, and are now in full force and effect.

Dated: \_\_\_\_\_, 2012

  
Marcia Britton-Gray  
Secretary