



# **PGA WEST MASTER ASSOCIATION COMMUNITY RULES AND REGULATIONS**

Adopted: JANUARY 14, 2014

**IF THIS DOCUMENT CONTAINS ANY RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, NATIONAL ORIGIN, SOURCE OF INCOME AS DEFINED IN SUBDIVISION (p) OF SECTION 12955, OR ANCESTRY, THAT RESTRICTION VIOLATES STATE AND FEDERAL FAIR HOUSING LAWS AND IS VOID, AND MAY BE REMOVED PURSUANT TO SECTION 12956.2 OF THE GOVERNMENT CODE. LAWFUL RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS.**

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## **INTRODUCTION**

In accordance with Sections 4.7(k), 4.8(d), 5.1(a) and other provisions of the Master Declaration of Covenants, Conditions and Restrictions of PGA West Master Association (“CC&Rs”), the PGA West Master Association (“Master Association”), acting through its Board of Directors (“Master Board”), has adopted these Rules & Regulations (“Community Rules”). These Community Rules specifically pertain to the use and operation of PGA Blvd., all gates, gated entry and exit areas, as well as all private roads located within the PGA West community (“Community Areas”).

**ALTHOUGH A ROVING COMMUNITY PATROL IS PRESENT, THERE IS NO GUARANTEE FOR THE SAFETY OF PERSONS OR PROPERTY WITHIN PGAWEST. EACH RESIDENT IS RESPONSIBLE FOR TAKING ALL PRECAUTIONS TO PROTECT HIS OR HER PERSON AND PROPERTY. BE AWARE THAT OUR COMMUNITY SERVICE PERSONNEL ARE NOT SWORN PEACE OFFICERS.**

These Community Rules apply to all persons while in Community Areas. Owners are responsible for the actions and conduct of their friends, family, tenants and guests. Only Owners can be cited, fined, or otherwise disciplined for the conduct of these persons. It is in the Owner’s interest to acquaint all such persons with these Community Rules.

The Master Board has the right to designate a Compliance Committee (comprised of Master Board members) to enforce these Community Rules. The Compliance Committee is authorized to impose Fines and Assessments and to take reasonable action as required to see that these Community Rules are followed. Costs and attorney’s fees incurred to enforce these Community Rules may be assessed to the responsible Owner.

## **I. VEHICLES**

- A. GENERAL:** As used in this section, "Vehicles" include cars, motorcycles, golf carts, trucks, trailers, vans, motor homes, RV's, bicycles, etc.

The PGA WEST community is a "private" community ("PGA WEST"). However, State laws governing operation and parking of each such "vehicle" [i.e., the California Vehicle Code] apply in full force within PGA WEST. Thus, by incorporation, any violation of the Vehicle Code is an offense under these Community Rules. By way of example but not of limitation, common Vehicle Code violations are listed below together with these Community Rules which are specific to PGA WEST.

### **B. MEANS OF ACCESS:**

1. Owners and residents must register their automobiles and golf carts with the Association. Each resident in good standing will be provided at no charge with two transponders for their automobiles and one transponder for their golf cart which must be affixed to their vehicles. Additional transponders will be installed at cost (approximately \$6) for each such vehicle.
2. Before entering the gates, vehicles without transponders must obtain a valid pass from the Master Association's Community Services personnel ("Community Service Personnel"). Owners not in good standing [as well as their tenants and guests] must obtain a daily pass. Passes must be displayed in full view on the dashboard. Vehicles without transponders may enter only through the guest lane of a manned gate.
3. A special pass must be obtained at a manned gate by anyone driving or towing a trailer, RV, motor home, etc. (hereinafter, collectively referred to as "RVs"). RVs may not be parked within PGA WEST (unless parked within an enclosed garage) in excess of sixteen (16) hours from the time of entry and solely for the purposes of cleaning, loading and unloading ("16-Hour Limitation"). In addition to the 16-Hour Limitation, RVs may not be parked within PGA WEST (unless parked within an enclosed garage) in excess of sixteen (16) hours during any thirty (30) day period of time. A parked RV may not extend the 'pop-outs'.
4. Use of a Homeowner PIN for identification purposes by an individual who is not the PGA WEST Owner to whom the PIN has been issued is not permitted. Tenants and Guests may be issued their own Tenant/Guest PIN at the discretion of the Homeowner. Use of this PIN by an individual who is not the Tenant/Guest is not permitted. The Homeowner remains the responsible party even when a Tenant/Guest PIN is issued.

### **C. OPERATION:**

1. A valid driver's license is required to operate any vehicle – including a golf cart.
2. All vehicles must observe posted speed limits.
3. No vehicle may enter through the exit side of a gate nor exit through the entry side of a gate.
4. All vehicles must stop at posted stop signs and yield for pedestrians.
5. Unregistered vehicles are prohibited.
6. Vehicles may not leak fluids onto Community Areas.

7. Golf carts must be driven inside the golf cart lane on PGA Blvd.
8. Car repairing (other than temporary, emergency repairs) is not allowed at any time.
9. Disabled vehicles must be removed after seventy-two (72) hours or they may be towed and/or stored at Owner's expense.

**D. PARKING:**

1. Vehicles may not:
  - (a) Park in areas where parking is not permitted.
  - (b) Park facing oncoming traffic or with right vehicle wheels more than eighteen (18) inches from the curb.
  - (c) Park on the street in excess of seventy-two (72) hours or in driveways in excess of thirty (30) consecutive days. Further, with respect to trailers, RV's, motor homes, boats, horse trailers, etc., additional limitations apply as set forth in section **I (B) (3)** on page 2 above.
  - (d) Park in a manner that blocks driveway access.
  - (e) Park in front of all mail boxes during postal hours (8:00 AM to 5:00 PM Monday through Saturday, excluding legal holidays).
  - (f) Park in any grassy area.
  - (g) Be driven in the wrong lane of directional traffic.

**II. PERSONAL CONDUCT**

- A.** All persons within PGA WEST must cooperate with Community Service and management personnel in their efforts to enforce these Community Rules, including gate procedures. Abusive, uncivil, threatening or offensive conduct, whether directed toward Community Service Personnel, Master Association Board of Directors, Volunteers and Committees, personnel, contractors or their employees, will not be tolerated within PGA WEST. If you have a complaint of any kind regarding the conduct of the Community Services Personnel contact the Director of Community Services at 760-564-1032 or provide a written letter addressed to the Master Board at 56-144 PGA Blvd., La Quinta, California 92253.
1. Each Owner is responsible for acquainting family members, renters, residents and guests including, but not limited to, all invitees, commercial visitors, service personnel and contractors with these Community Rules.
  2. Each Owner is liable and responsible for any damage to the Community Areas and/or violations of these Community Rules caused by or resulting from Owner's own actions, and/or the actions of his/her family members, renters, residents, guests, invitees, agents and/or employees.
  3. The use of obscenities, derogatory comments based on race, color, religion, disability, sexual orientation, gender, national origin, or ancestry and/or verbal or physical threats, or attacks, directed toward any Community Service Personnel, Master Board or its committees, management staff and/or any vendor will not be tolerated. Action by any person within the Community Areas which may be dangerous or create a health or safety concern, hostile environment, turmoil, disruption or disturbance among Owners, family members, renters, residents, guests, invitees, agents and/or employees is not permitted.

4. The Master Association considers a violation of this Conduct Code to be a serious and reportable matter. Violations by Owners or the Owner's family members, renters, residents, guests, invitees, agents and/or employees will subject the responsible Owner to disciplinary action in accordance with the Community Enforcement Procedures.

**B.** Owners are responsible for the actions of family, guests, renters, invitees, agents and/or employees. When authorized by a Residential Association, the Community Service Personnel will enforce the personal conduct rules in this Section B in the applicable residential areas. To ensure quiet enjoyment of PGA WEST, following is a partial list of activities that are considered to breach the right to quiet enjoyment within the Community Areas:

1. Loud noise, vibration, music or similar sounds that emanate from any vehicle within the Community Areas.
2. Baseball and/or softball or any other type of activity/sport which uses a ball or device capable of causing damage to automobiles is prohibited within the Community Areas.
3. No blowing of horns, racing of engines, loud mufflers, loud car or golf cart radios or similar noises are allowed within the Community Areas.
4. Toys and devices capable of expelling a projectile of any sort [i.e., BB/pellet guns, bows & arrows, paint balls] are not permitted within the Community Areas.
5. Use of Skateboards on any street or sidewalk.

### **III. PETS (Applicable to Residential II and Fairways only)**

- A.** At all times, when outside an Owner's residence or fenced-in yard, dogs must be securely restrained by a leash. This must be an actual leash and not an electronic device.
- B.** At all times when outside an Owner's residence or fenced-in yard dogs may not threaten or make contact with other persons or pets.
- C.** Dogs may not lunge toward, or chase after, any individual or pet.
- D.** Pets will not be allowed to make noise such as to disturb the quiet enjoyment of their neighbors.
- E.** PETS ARE NOT PERMITTED IN POOLS OR POOL AREAS AT ANY TIME.

### **IV. SWIMMING POOLS/SPAS (Applicable to Residential II and Fairways only)**

- A.** Rules posted at each pool and spa are part of these Community Rules. For the safety and enjoyment of the Owners and/or their guests, please observe them.
  1. The pools and spas are only for Owners in good standing, their guests and tenants.
  2. As there are no lifeguards on duty all children under fourteen (14) years of age are to be supervised at all times by an adult when in the pool or spa areas.
  3. Floating devices are not allowed in the spas at any time. They must be removed from the swimming pools when not in use.
  4. Pets, boisterous conduct, incontinent persons without proper protective wear, loud radios and foul language are not allowed in the pool or pool area at any time.
  5. Glass bottles or containers are not allowed in the pool areas.
  6. Chairs, tables and chaises may not be reserved or removed from the pool/spa areas and may not be placed in the pools and/or spas.
  7. Nude swimming or sunbathing is not allowed. Proper bathing attire must be worn.

8. No one is allowed to tamper with any pool equipment including thermostats and/or lighting fixtures.
9. Residents and/guests are required to dispose of their cigarette butts and other trash in the appropriate receptacles.
10. Safety equipment has been provided for emergency use. Please do not remove any of the equipment from the pool and spa areas.
11. The use of the pool and spa facilities by Owners, tenants and guests is at their own risk.
12. Pool gates are not to be left ajar or propped open. Climbing on the fences or gates is not allowed.
13. Bikes, skateboards, roller blades/skates and all wheeled toys are prohibited in pool and spa areas.

**V. MISCELLANEOUS** (Applicable to Residential II and Fairways only)

- A. Swimming, fishing, wading, boating, or ball retrieval in Residential Association lakes and fountains is prohibited at all times.
- B. Feeding of wild animals including water fowl is prohibited.
- C. Garage doors must be kept closed except for entering or leaving, and for a reasonable period of time when the garage is in use.
- D. Recreation, exercise and playground equipment are not permitted if visible from Common Areas of the Golf Course (including but not limited to basketball hoops, trampolines, exercise apparatus) while not in use.
- E. No "For Sale" signs allowed on vehicles of any kind (including golf carts).
- F. No Garage/Yard Sales are permitted.

**VI. ENFORCEMENT PROCEDURE**

- A. **CITATION:** Citations for violations of these Community Rules will be written by Community Service Personnel. In most cases, citations will be written at the time of the offense.
- B. **NOTICE TO APPEAR:** Before any penalty can be imposed, Owners must be afforded a reasonable opportunity to be heard. A copy of the citation will be mailed to the Owner at the address of record, along with any supporting documents, together with notice of the hearing date and time. (Owners are responsible for updating address changes with their Residential Association and the Master Association.) Owners may be heard in person or may submit their position in writing for consideration at the hearing.
- C. **HEARING:** Citations will be set for hearing at the next scheduled meeting of the Compliance Committee. Upon timely request made to the Master Association Compliance Administrator, and for good cause shown, an Owner cited to appear before the Compliance Committee may receive one continuance of the hearing date. **Failure to appear at a hearing before the Compliance Committee (or provide a written response received by the Compliance Committee prior to the hearing) will result in the loss of Owners right to appeal the rulings of the Compliance Committee.**
- D. **DISCIPLINE:** Following the hearing and upon a finding of non-compliance, Fines and Assessments and/or any other actions of discipline permitted via the Master Association's governing documents may be imposed (consistent with Tables 1 and 2 below), the particular amount being subject to the Compliance Committee's discretion depending upon the nature and severity of the offense, and any prior violations. Expenses incurred by the Master Association to repair damage to Common Areas caused by an Owner or by those for which he/she is responsible may also be assessed. For repeated and/or particularly flagrant offenses, the violation may be referred directly to the Master Board.

Further, and at the discretion of the Master Board, non-payment of any fine may result in revocation of transponder access.

- E. **APPEALS:** Owners may appeal adverse decisions to the Master Board provided the Owner appeared at the hearing before the Compliance Committee **or** provided a written response received by the Compliance Committee prior to the hearing. The appeal must be in writing and be received at the Master Association's office within thirty (30) days from the date the Notice of Decision is mailed to the Owner. The appeal will be heard at the next scheduled meeting of the Master Board.

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**ASSESSMENT STRUCTURE**

The Compliance Committee's overriding goal is compliance with these Community Rules, not revenue generation. That said, Fines and Assessments certainly play a role in achieving this goal. Keep in mind that the Special Assessments imposed are markedly less than local Traffic Courts impose for similar offenses.

**TABLE 1: STANDARD ASSESSMENTS [FIRST OFFENSE]**

1. Excessive Speed.	\$ 50 – 300
2. Failure to stop at marked intersection.	50
3. Common parking offenses [parked facing traffic, parked 72+ hrs. on street or 30+ days in driveway, blocking mailbox access, parked 18+ in. from curb].	50
4. Aggravated parking violation [parked in red zone, blocking fire hydrant].	100
5. Violation of Access Agreement by oversize-vehicle drivers.	50
6. Entering any gate from the wrong direction.	200
7. Failure to obtain or display pass in vehicle.	50

**REPEATED VIOLATIONS:** Fines are doubled if repeated within 12 months of the first violation. For the third violation within the same twelve (12) month period, the fine shall be tripled. For four (4) or more such violations, the Master Board may levy a fine greater than three (3) times the fine as it deems appropriate in its sole discretion.

**NON-STANDARD VIOLATIONS:** Other violations of the Community Rules, are determined on a case-by-case basis. Examples of such offense are reckless driving, unlicensed driving, failure-to cooperate with staff, Personal Conduct code violations and disturbing the peace. The maximum fine for a single violation is \$2,500.00.



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**TABLE 2: FINES FOR EXCESSIVE SPEED WITHIN PGA WEST**

<b>15 MPH POSTED SPEED ZONE</b>		<b>20 MPH POSTED SPEED ZONE</b>	
20 – 24 mph	\$50	25 – 29 mph	\$50
25 – 29	100	30 – 34	100
30 – 34	150	35 – 39	150
35 – 39	200	40 – 44	200
40 – 44	250	45 – 49	250
45 – 49	300	50 – 54	300

<b>25 MPH POSTED SPEED ZONE</b>		<b>35 MPH POSTED SPEED ZONE</b>	
30 – 34 mph	\$50	35 – 39 mph	\$50
35 – 39	100	40 – 44	100
40 – 44	150	45 – 49	150
45 – 49	200	50 – 54	200
50 – 54	250	55 – 59	250
55 – 59	300	60 – 64	300