

**Wilseyville Homeowners Association
Nuisance Policy**

A. Purpose:

This policy prohibits homeowners and residents from creating, causing, or otherwise allowing certain nuisances to exist within the boundaries of the Wilseyville Subdivision (comprised of 29 privately owned lots and the surrounding common land marked as lots 30 and 31). Said nuisances, and the penalties for creating, causing or allowing such, are described in Sections B – H of this policy. In such cases where the provisions of this policy are less restrictive than those set forth in relevant Calaveras County Ordinances, the more stringent prohibitions and associated fines, and penalties will prevail.

B. Definition of Nuisance:

Any aspect of a property, or action by the owners or occupants of that property, which interferes with the ability of the owner/occupants of other properties in the Camp to use and enjoy their properties.

Examples are:

1. Noise which can be heard from within other homes in the camp, especially during times when people might be sleeping.
2. Outdoor lights positioned so that they shine into windows or porches of other homes, or cause glare which hinders the vision of persons walking or driving on the street.
3. Trash or yard debris which increase risk of fire, release odors, or provide habitat for pests.
4. Vehicles which impair access to other properties.

The definition also implies that, if other persons can't detect the nuisance from their own properties, then it's not a nuisance. (We're not trying to be nosy or intrusive; we just want to enjoy ourselves. Furthermore, this policy leaves out issues of personal taste: One neighbor might think that a neighbor's house is painted a hideous color, or that the vehicle parked in his or her carport is ugly, but that is not the intent of this policy.)

Piles of garbage are a nuisance, not because they are ugly, but because they invite fire or pests. Some consideration should be given to the nature and necessity of an action in defining it as a nuisance; using a noisy chainsaw or weed whacker to clear brush from property, although noisy, would be ok unless it were done during normal "sleeping" hours (8:00 p.m. to 8:00 a.m.). Common sense should prevail.

C. Dogs

Dogs are a nuisance if they do one of more of the following:

1. Attack or threaten persons or other pets outside the owner's property line.

2. Bark repeatedly without provocation, or continue barking well after a provocation has ceased.
3. Leave droppings outside the owner's property.
4. Intrude onto other properties (i.e., onto the common land of the Subdivision).
5. And, in keeping with the provisions set forth in the Declarations of Establishment of Conditions and Restrictions, more than the prescribed number of dogs per residence stated therein would be termed a nuisance (except where the Board has approved in writing to the resident a waiver of such provisions).

D. Exterior Lights

Exterior lighting is a nuisance if it is allowed to shine into windows or onto porches and decks of other properties. (Some residents like to sit out at night and watch the stars and meteors, and bright lights prevent this.) In cases where an owner feels the light is necessary for security, this policy provides for such through the requirement for shields blocking the light from reaching "viewing areas" of adjacent properties and/or motion sensors on the lights, which turn on lights only when an intruder is sensed on the property. Common sense needs to be applied in determining the kinds of lighting that would be used for security purposes, such lighting to meet the written approval of the WHA Board.

E. Junk and Junkyards

The accumulation of junk and the creation of junkyards is considered a nuisance, as defined by Calaveras County Ordinance Code Sections 17.06.1030 and 17.06.1040:

1. Per Section No. 17.06.1030 of the Calaveras County Ordinance Codes, "Junk" is defined as, but not limited to, trash; refuse; paper; glass; cans; bottles; rags; ashes; trimming from lawns, yards, trees and shrubbery, including plants and leaves and other solid waste; salvageable and unregistered vehicles, vehicle parts, vehicle hulks; discarded furniture; dirt, rocks, and materials from the demolition, alteration or construction of buildings or structures, unless such dirt is used for purposes of fill. (Ord. 1812 1 (part), 1986)
2. Per Section No 17.06.1040 of the Calaveras County Ordinance Codes, a "Junkyard" is defined as a place in which junk (as identified in Section 17.06.1030), salvaged materials, or products, scraps or other waste materials, are stored, broken up, dismantled, sorted, distributed or sold privately or commercially (Ord. 1812 1 (part), 1986)

F. Warnings of Violation of Policy

The WHA Board will enforce any and all provisions of this policy through the issuance of verbal and written warnings to both the resident and the homeowner when violations of any provisions of this policy have occurred. Written warnings will contain a full description of the violations and any sanctions, penalties and/or fines associated with those violations.

G. Appeal Process

Residents and/or homeowners have the right to appeal “in writing” to the WHA Board any warnings issued. The Board will consider the appeal and will respond in writing as to its acceptance or rejection of that appeal. Note, however, that once a second written warning has been issued by the WHA Board, the homeowner or resident has only 72 hours to appeal to the Board in writing. If after 72 hours, no written appeal has been received by the Board, the Board will call upon the Calaveras County Sheriff’s Office to assist in enforcement of the WHA Conditions and Restrictions and/or applicable Calaveras County Ordinance Codes.

H. County-Imposed Fines and Penalties:

Once a "Code Violation" is issued, failure to comply will result in a fine of \$100.00 dollars, after a period of 30 days. If the request is ignored beyond 30 days, a fine of \$500.00 dollars will be imposed AND the County will hire, at the "homeowner's" expense, the necessary people and equipment to clean it up. Failure to pay fines or request a court appearance will result in a penalty assessment in addition to the fine, and if not paid, offenders will incur a lien on their property. All violation notices will be mailed to the residence address of the offender, be it a P. O. Box or a street address. (Homeowners who are landlords will receive at their residence address only the WHA written warnings; therefore, it is imperative that they follow up with their renters to ensure that such warnings are heeded before they turn into citations.)

Note: Any citation may be contested with the Calaveras County Sheriff’s Office, whether or not the WHA appeal process has been used.