

PINEBROOK HOMEOWNERS ASSOCIATION RULES AND REGULATIONS

Consistent with the purpose of “efficient preservation of the value, desirability, and attractiveness” of our community as declared by the original developer in the *Declaration of Covenants, Conditions and Restrictions for Pinebrook Subdivisions* (the “Declaration”), the Pinebrook Homeowners Association (the “Association”) through its Board of Trustees (the “Board”) has promulgated specific Rules and Regulations as permitted by the Utah Community Association Act and Article X, Section 26 of the Declaration. In all instances where an Association member believes that a neighbor or other Association member may not have acted in accord with the Declaration or these Rules, that member is strongly encouraged to discuss the matter with the neighbor before asking the Board to take action. Experience has shown that the majority of complaints can be worked out by direct communication between those involved.

INTRODUCTION

These Rules and Regulations restate and clarify pertinent provisions of the Declaration and Utah Law, as well as the consistent practice of the Association in interpreting the Declaration. The vast majority of residents have complied with the Declaration and these Rules and Regulations even if they were not aware they were doing so, because they describe norms expected in an orderly community. Unfortunately, the activities of a very few residents have resulted in complaints and, when attempts have been made by the Association to inform and enforce the Declaration in certain cases, these residents have persisted in their noncompliance resulting in disturbance to their neighbors, disruption to the community and, often, unnecessary legal costs. These Rules and Regulations are promulgated to limit and hopefully avoid such problems in the future. They are effective as of the date noted in the bottom right corner of each page and shall remain in effect until modified or superseded.

These Rules and Regulations clarify and supplement the Declaration and the Bylaws which govern the Association, and apply to all Members of the Association that include owners of all lots in the following Subdivisions (hereafter referred to as “Pinebrook”):

- Boothill
- Ecker Hill plats A, B, C & D
- Pinebrook Estates
- Pineridge
- Sunridge

RULES

1) HOUSEHOLD PETS: Dogs, cats or other household pets may be kept on Lots provided that they are not kept, bred or maintained for any commercial purpose. Dogs must be contained within the Owner’s Lot or on a leash and shall not be allowed to run free throughout the Property. Owners are responsible to pick up waste left by their

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dog(s) on the trails, streets, and lots owned by others, and must keep their dog(s) from barking to the point of annoyance to other Owners.

2) PROHIBITED ANIMALS AND ACTIVITIES: Except for the household pets described in Rule No. 1, no animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, including but not limited to chickens, pigs and goats. This is, and always has been, an express requirement of the Declaration from the beginning of the development.

3) PERMITTED USE OF DWELLINGS / RENTALS / BUSINESS USES: No temporary structures or outbuildings may be used as a dwelling on a lot. Dwellings shall be used exclusively for single family residential living purposes and shall never be occupied or used for any commercial or business purpose. There are two (2) narrow exceptions to this restriction which are allowed only if the following conditions are met:

- a. Home or virtual offices: Owners may maintain home offices within their dwellings related to their employment or business ventures so long as these activities do not involve clients, employees, or customers routinely visiting an Owner's dwelling.
- b. Rentals: Consistent with limitations of the Declaration, Summit County Ordinances and prior Court rulings in the matter of *Pinebrook Homeowners Association v. Pinecrest Drive, LLC*, Owners may rent their dwellings "from time to time," for periods of time that are consistent with single-family residential living so long as the following conditions are followed:
 - i. **No nightly rentals.** Nightly rentals are strictly prohibited in Pinebrook, whether arranged directly, by a broker or through an internet facilitator. The Courts have found that nightly and other short-term rentals violate the "single family residential living purposes" restrictions contained in Article X Section 16 and Article X Section 2(a) of the Declaration.
 - ii. Owners may not rent their dwelling on a routine basis without violating the "from time to time" provisions of the Declaration.
 - iii. Minimum rental periods shall require occupancy by the renter(s) for thirty (30) days or more.
 - iv. No overnight parking by renters is allowed on any street within Pinebrook.
 - v. Renters and rental activities may not disrupt the neighborhood and may not bring additional noise, trash, traffic or other attention to the

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dwelling that could be considered a nuisance or a violation of Summit County ordinances.

- vi. Owners choosing to lease their dwelling shall also comply with all state and local governmental regulations, specifically including health and safety ordinances and the requirements of the Snyderville Basin Development Code.
- vii. Owners who rent their homes in a manner that violates the Declaration or these Rules and Regulations face considerable fines as described in the fine schedule herein.

4) DRIVEWAYS / RECREATIONAL VEHICLES: Driveways must be large enough to accommodate two parked automobiles. Driveways may only have operable vehicles parked in them. Recreational vehicles may not be parked in driveways or on any roads within Pinebrook for more than three (3) consecutive days.

5) OVERNIGHT PARKING: As provided in the Declaration, no vehicles of any kind, including but not limited to, automobiles, trucks, buses, tractors, trailers, camping vehicles, boats and boat trailers, snowmobiles and snowmobile trailers, mobile homes, two and three wheeled motor vehicles, or other wheeled vehicles shall be permitted to be parked on any public street within the Pinebrook Subdivision between the hours of 12:00 midnight and 10:00 a.m. or at any time while it is snowing.

6) NOISES AND NUISANCES: Owners, residents and guests are not to make any disturbing noises at any time upon any Lot, nor shall anything be done which may or may become an annoyance or nuisance to the neighborhood as defined by Summit County Noise Ordinance Section 5-3-1, et seq. including all subsequent amendments or replacement ordinances. Construction activities must be restricted to the hours listed herein.

7) SIGNS: Each home may have one or more signs showing the house number. No other sign of any kind may be displayed to the public view on any Lot, with the exception of one (1) professional sign of not more than one square foot, one (1) "for sale" or "for rent" sign of standard size (i.e. less than five square feet), or signs used by a builder to advertise a property during construction or a sales period, or political signs during general and special elections. In addition, small alarm company signs and/or stickers may be posted upon a Dwelling or Lot.

8) FIREWORKS / HAZARDOUS ACTIVITIES: Pinebrook is located in a wildland/urban interface area where the danger of wildfires is a constant concern. Accordingly, and in accordance with the general and specific prohibitions of the Declaration, the use of fireworks at any time is prohibited anywhere in Pinebrook, including lots, common areas, parks and trails. Firearms may not be discharged on any lot except for self-defense, and trails and common areas may not be used by for hunting access to surrounding areas.

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9) DEAD TREE REMOVAL. Owners have a duty to remove dead trees, branches and shrubs, from their Lots. Failure to do so may be deemed a nuisance under the Declaration.

10) OPEN FIRES, FIRE PITS, CHIMENEAS.

- a. No open fires of any type are permitted.
- b. Fire pits may be permitted if pre-approved by the Architectural Committee. Requirements for fire pits:
 - i. Distance of 25-feet between the fire pit and any structure and/or other combustible type materials (e.g. dwelling, deck, garage, trees and vegetation).
 - ii. Fire pits cannot have a diameter larger than three (3) feet.
 - iii. Fire pits cannot exceed two (2) feet in height.
 - iv. Fire pits must be constantly attended.
 - v. Fire pits may only be used on a non-combustible area.
 - vi. Each fire pit must have an on-site means to extinguish the fire. Examples:
 1. 5-gallon bucket of water
 2. Garden hose connected to a reliable water source
 3. 5A:10B:C fire extinguisher
 - vii. Chimeneas: chimeneas are allowed if they have screens and are placed on a flat, fireproof surface such as rock, concrete, bricks or pavers.
- c. The Architectural Committee may revoke its approval based upon nuisance complaints from neighbors.
- d. Owners, occupants and tenants using fire pits or chimeneas remain responsible for any fire damage and/or fire suppression costs to surrounding areas from use.

11) FIRE PREVENTION AND YARD MAINTENANCE:

- a. Remove branches within 10 feet of your chimney and dead branches that over-hang your roof.
- b. Remove dead leaves and needles from your roof and gutters.

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- c. Remove all stacks of construction materials, pine needles, leaves and other debris from yard regularly.
- d. Confirm electrical outlets are designed to handle appliance loads.

12) TRAILS: All biking and hiking trails within Pinebrook are private. Some trails are reserved for the use and enjoyment by members of the Association; others are owned and open to members of the Pinebrook Master Association, which also includes all members of the Association. Although private, area trails are not monitored and those using the trail system do so at their own risk. By using the trails, users acknowledge, understand and agree that:

- a. Owners and all other users assume responsibility for personal safety.
- b. Owners are responsible for picking up their dog's waste, carrying it out, and placing it in a proper trash receptacle.
- c. Bicyclists must yield right-of-way to hikers and uphill traffic.
- d. Owners are encouraged not to park in the trailhead lots during snow storms so the lots can be snowplowed.
- e. No motorized vehicles are allowed on the trails.
- f. No smoking or littering.
- g. No on or off-trail tent use, camping or overnight stays are permitted.
- h. No defacement of trail heads or markers.
- i. No hunting is permitted within common areas.
- j. Trails are not patrolled.
- k. Trails may be closed or re-routed when safety requires, or for construction or other events.
- l. Trail conditions are variable with no representation of safety.
- m. Trails may not be used to access hunting areas or public grounds by those who don't live in Pinebrook.
- n. Additional trail information can be found on the website for the Pinebrook Master Association (<http://www.pinebrookmasterassn.org/open-space-trails>).

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13) MAINTENANCE OF LOT: As required by the Declaration, residents, including Owners and tenants, are responsible for all maintenance, repairs and general upkeep of Lots to keep them in clean, safe, attractive and slightly condition, and in good repair, specifically including all the exterior of homes and structures, patios, decks, front porches, driveways and walkways. External painting and staining must meet or exceed original standards used on each Dwelling.

14) CONTROLLING NOXIOUS WEEDS: Residents shall be proactive in controlling all weeds on their property, especially noxious weeds identified by Summit County, and avoiding the spreading of weeds to surrounding areas. If Residents fail to take necessary action, the Association reserves the right to enter the Resident's property and take action to treat the weeds. Owners and Residents will be subject to a fine and will bear the costs associated if the Association is forced to step in and initiate weed control service. If the cost remains unpaid, the Association may treat it as an assessment and enforce by lien.

15) NO STORAGE ON LOTS. No vacant lot may be used for material storage of any kind, except during the construction period.

16) LIGHTING. All new and replacement exterior lighting must comply with Summit County ordinances, including cut-off features to keep light from bleeding outside of lots as described in Rule 17(j), below. Owners of existing, non-compliant fixtures are encouraged to replace them with compliant fixtures, and to be respectful of their neighbors in the operation and timing of the use of all outdoor lighting.

17) ARCHITECTURAL COMMITTEE RULES RE: CONSTRUCTION AND IMPROVEMENTS: As referenced in Article VII Section 8 of the Declaration, the Board of Trustees and the Architectural Committee may adopt, amend and repeal these Architectural Committee Rules, which currently include the following:

- a. Any exterior construction or improvement to be installed, constructed or performed upon a Lot or Dwelling must be pre-approved by the Association's Architectural Committee. Those who do not obtain prior approval by the Architectural Committee before initiating construction or an improvement face a fine and possible removal of the improvement.
- b. Application for Architectural Committee Approval: The Architectural Committee meets the 1st and 3rd Thursday of each month when Applications have been submitted. All Application submittals must be received not later than 3:00 PM on the Tuesday prior to the Thursday meeting in order to be placed on the Agenda. See Article VII of the Declaration for more information concerning Architectural Committee approval, as well as *Pinebrook Homeowners Association Application for Structural Alteration or Architectural Change to Lot or Home: SUMMARY OF PROCESS*, which is available online at <http://www.pbhoa.org/phoa-boards/documents-applications/>.

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- c. New home construction and exterior remodeling require the submission and approval by the Architectural Committee with the Committee and the homeowner entering into a *Construction Plan Approval Agreement for Construction of Home, Structural Alteration or Architectural Change Application (Construction Plan Approval Agreement)*. Owners are encouraged to refer to the Application for Structural or Architectural Change to Lot or Home and its related checklists that are available online at <http://www.pbhoa.org/phoa-boards/documents-applications/>.
 - i. The *Construction Plan Approval Agreement* must be signed by an authorized representative of the Committee, Owner and Contractor.
 - ii. Owners shall obtain a building permit from Summit County, after first obtaining approval from the Architectural Committee, and must obtain appropriate insurance naming the Association as an additional insured prior to commencing construction.
- d. Construction activities and related noise shall be limited to:
 - i. Monday through Thursday: 7:00 a.m. to 7:00 p.m.
 - ii. Friday and Saturday: 7:00 a.m. to 7:00 p.m.
 - iii. Sunday indoor construction: 12:00 p.m. (noon) to 6:00 p.m. (Sunday outdoor construction is strictly prohibited).
 - iv. National holidays: no construction work is allowed.
- e. Building and Landscaping Time Restrictions. Unless otherwise agreed to in writing:
 - i. The construction of a new home must be completed in no more to two (2) years from the date that such construction is first started;
 - ii. A remodel must be completed in no more than one (1) year from the date that construction work on such remodel is first started;
 - iii. Front-yard shall be landscaped within one (1) year following completion or occupancy of the dwelling, whichever is sooner;
 - iv. Side and rear yards shall be landscaped within two (2) years following completion or occupancy of the dwelling, whichever is sooner;

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- v. Areas covered with natural foliage (e.g. scrub oak, aspen, grass, sagebrush, etc.) will be considered landscaped.

- f. Natural Foliage: Prior written approval from the Architectural Committee shall be granted before any trees, shrubs, bushes or other natural foliage can be removed. Removal of any such natural foliage must be necessary for the ingress and egress to a lot and/or the construction of a dwelling and other permitted structures.

- g. Re-contouring: no lot shall be re-contoured in excess of two feet without prior written approval of the Architectural Committee.

- h. Encroachment: The Owner shall not encroach upon or cause any damage to another lot or the common area.

- i. Roofs: no reflective metal roofs may be used.

- j. Lighting: lighting used to illuminate garages, patios, parking areas or for any other purpose shall be shielded, down-ward facing and arranged to reflect light away from adjacent dwellings and away from the vision of passing motorists

- k. Exterior colors: exterior colors shall be earth tones and colors indigenous to the area that are established by the Architectural Committee.

- l. Solar: solar collection systems must be approved by the Architectural Committee before installation. The Committee will consider, among other things, the proposed location, manner of placement and whether the system is within the limitations of the current net metering code. Owners considering a solar collection system should consider the following before submitting an application to the Architectural Committee:
 - i. Panels shall be non-reflective and installed as close to flat on the roof as possible (parallel to roof surface and flush mounted).
 - ii. The preferred installation shall be to the rear of the house if this does not interfere with usefulness of the solar energy collecting device (in terms of orientation).
 - iii. Wiring and other components shall be concealed as much as possible.

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- m. Fences: fencing is not allowed in front yards. Fencing along other perimeters require pre-approval by the Architectural Committee. Fences or walls, if approved, shall be of wood or brick and shall not exceed six feet in height.
- n. Mailbox: Owners at the time of construction shall be required to furnish, install and maintain a mailbox if postal delivery is not available to an existing central mailbox facility in Pinebrook (the type and location of the mailbox shall be pre-approved by the Architectural Committee).
- o. Storage, Dumpsters and Portable Toilets During Construction: A vacant lot may only be used as storage of any kind during the construction period. The Owner shall provide a particular location to the Association for the following items:
 - i. A secure dumpster or container for construction debris, trash, rubbish and the like;
 - ii. A portable toilet facility.
- p. Owner shall clean up all work materials, supplies and debris from common areas daily, and leave the construction area attractive, clean and safe. A collection of trash may be maintained on the Lot provided such trash is stored in a secure container, the container is emptied promptly when full, and any trash which escapes from the Lot is picked-up and properly disposed of immediately.
- q. More descriptive land use and permitted building specifications are outlined in Article X of the Declaration. Additional improvement conditions may also exist on the Plat Map and Owners must abide by any such conditions.

18) SUSPENSION OF OWNER'S VOTING RIGHTS: If an Owner fails to pay any Assessment when due or fails to cure a violation of any covenant, condition, restriction, rule or regulation, the Board may suspend the Delinquent Owner's voting rights without notice. All suspensions will be lifted upon the curing of any violation or the receipt of payment in full of outstanding account balance, including, but not limited to, all past due Assessments, Association fees, late charges, fines, interest, attorney's fees and costs, if applicable, and all other collection charges.

19) KEEP CONTACT INFORMATION CURRENT: Each Member shall keep his or her current contact information on file with the Association, specifically including a preferred phone number(s), mailing address and email addresses. Such registered information may be changed from time to time by notifying the Association in writing.

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20) NOTICE: Written notice of annual and special meetings of the members shall be delivered to Members personally or by first class mail not fewer than ten (10) nor more than fifty (50) days before the date of the meeting. If mailed, notice is deemed delivered when deposited in the United States mail, addressed to the Member at his address as it appears in the Association's records, with postage prepaid. If notice is delivered personally, such notice may be (1) handed to the Member at his residence (as it appears in the Association's records), or (2) sent by email to the Member's email address on file with the Association, unless the email is returned as undeliverable within 48 hours, at which time an alternate method of notice shall be used. A Member may require that notice be given by first class mail.

21) FINES: Violations of the covenants, conditions or restrictions described in the Declaration, as well as these Rules and Regulations, by the owner or tenant of any lot subject the owner of the lot to fines.

- a. Before a fine will be assessed, Owners will receive a written notice that:
 - i. Describes the violation;
 - ii. States the rule or provision of the Association's governing documents that the Owner's conduct violates;
 - iii. States that the Board of Trustees may assess a fine against the Owner:
 1. If a violation is not cured within a time that is not less than 48 hours after the Board of Trustees gives the Owner the written warning by which the Owner shall cure the violation ("Continuing Violation"¹), or
 2. If the Owner commits the same violation within one (1) year after the day on which the Board gives the Owner the written warning or assesses a fine against the Owner ("Repeated Violation"²).
- b. After the Board assesses a fine against an Owner, the Board may, without further warning or notice, assess additional fines against the Owner each time the Owner:

¹ A "**Continuing Violation**" is a violation that the Owner fails to correct or cure within the time period provided by the Board in its notice to the Owner, not less than 48 hours after delivery, or continues for 10 days or longer after the Board assesses a fine. See Rule #20 re: when notice is deemed delivered.

² If the Owner commits a violation that is same to the one that is the subject of the notice of warning sent by the Association to the Owner, whether or not it is continuing, within one (1) year of the day of the notice, such a violation shall be referred to herein as a "**Repeated Violation**."

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- i. Commits a Repeated Violation of the same rule or provision within one (1) year after the day on which the Board assesses a fine for a violation of the same rule or provision, or
 - ii. Allows a Continuing Violation to continue for 10 days or longer after the day on which the Board assesses the fine.
- c. An owner who is assessed a fine may request an informal hearing before the Board to protest or dispute the fine within thirty (30) days from the day the Owner receives notice that the fine is assessed. At the hearing, the Board shall provide the Owner a reasonable opportunity to present the Owner’s position and allow the Owner, a Board member, or any other person involved to participate in the hearing by means of electronic communication. If a hearing is timely requested, no further interest or late fees will accrue until after the hearing has been conducted and the Owner receives a final decision.
- d. Fines will be due for payment fourteen (14) days from the date the fine is assessed. Unpaid fines will be collected as an unpaid Assessment and will accrue interest and late fees as provided for in the Declaration. Any attorney’s fees or costs incurred by the Board of Trustees to collect fines will also be collected as an unpaid Assessment. The Association may record a lien against the Owner’s interest in a Lot consistent with the Declaration and the Community Association Act and the lien is subject to foreclosure.
- e. The following fine schedule has been approved by the Board of Trustees:

NON-CONSTRUCTION RELATED VIOLATIONS:

Cured Violation After Notice: Violation of a Rule/Regulation or Declaration provision that is cured by the deadline imposed by the Board in a Notice.	Warning – No fine
Continuing Violation After Notice: Continuing Violation of a non-construction related Rule/Regulation or Declaration provision after the deadline to cure imposed by the Board in a Notice passes.	\$50.00 to \$100.00 initial fine, plus interest, late fees and attorney’s fees & costs
Continuing Violation After Fine (No Notice Necessary): Continuing Violation of a non-construction related Rule/Regulation or Declaration provision for continues 10 days or longer after the day on which the Board assesses a fine.	\$100.00 to \$150.00 additional fine, plus interest, late fees and attorney’s fees & costs

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NON-CONSTRUCTION RELATED VIOLATIONS (CONTINUED):

<p>Repeated Violation After Notice (No Notice Necessary): Repeated Violation of same non-construction related Rule/Regulation or Declaration provision previously identified in a Notice that is dated one (1) year from the day that the Repeat Violation is committed.</p>	<p>\$50.00 to \$100.00 initial fine, plus interest, late fees and attorney's fees & costs</p>
<p>Repeated Violation After Fine (No Notice Necessary): Violation of the same non-construction related Rule/Regulation or Declaration provision within one (1) year after the day that the Board assesses a fine for a violation of the same rule or provision.</p>	<p>\$100.00 to \$150.00 additional fine, plus interest, late fees and attorney's fees & costs</p>

CONSTRUCTION RELATED VIOLATIONS:

<p>Violation of a Rule/Regulation or Declaration provision that is cured by the deadline imposed by the Board in a Notice by an Owner not bound by a <i>Construction Plan Approval Agreement for Construction of Home, Structural Alteration or Architectural Change Application</i>.</p>	<p>Warning – No fine</p>
<p>Violation of a construction related Rule/Regulation or Declaration provision by an Owner not bound by a <i>Construction Plan Approval Agreement for Construction of Home, Structural Alteration or Architectural Change Application</i>.</p>	<p>\$250.00 fine amount, plus interest, late fees and attorney's fees & costs</p>
<p>Violation of a construction related Rule/Regulation or Declaration provision by an Owner not bound by a <i>Construction Plan Approval Agreement for Construction of Home, Structural Alteration or Architectural Change Application</i> that continues for 10 days or longer after the day on which the Board assesses a fine.</p>	<p>\$250.00 per day for violation, plus interest, late fees and attorney's fees & costs</p>