

SUNRIVER RULES & REGULATIONS

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TABLE OF CONTENTS

SECTION 1	RULES; PROCEDURE AND ENFORCEMENT	2
	1.01 Dissemination of Rules	2
	1.02 Notice: Magistrate’s Hearing; Appeals	3
	1.03 Sunriver Judicial Council	5
	1.04 Enforcement	5
	1.05 Schedule of Fines	6
SECTION 2	ROADWAYS, PARKING AND PATHWAYS	7
	2.01 Motor Vehicle Moving Violations	7
	2.02 Parking	7
	2.03 Pathways, Pedestrians and Cycles	9
	2.04 Golf Carts	10
SECTION 3	ANIMALS	11
	3.01 Pets	11
	3.02 Vicious Dogs	11
	3.03 Horses	12
	3.04 Wildlife	12
SECTION 4	USE RESTRICTIONS	12
	4.01 Trees and Vegetation	12
	4.02 Maintenance and Appearance	14
	4.03 Fires and Smoking	15
	4.04 Commercial Use and Home Occupations	16
	4.05 Solicitation	17
	4.06 Cardinal Landing Bridge	18
	4.07 Temporary Living Accommodations	18
SECTION 5	NOISE AND NUISANCES	18
	5.01 Disturbing the Peace	18
	5.02 Firearms and Dangerous Projectiles	19
	5.03 Littering and Garbage	19
	5.04 Residential and Commercial Alarms	19
	5.05 Unmanned Aircraft Systems	19
	5.06 Code of Civility	20
	5.07 Watercraft	20
	5.08 Nuisance Properties	20

SUNRIVER RULES AND REGULATIONS

In the exercise of its powers and in the performance of its obligations pursuant to the Consolidated Plan of Sunriver (the “Consolidated Plan”) and of any Sunriver Declaration, the Board of Directors (“Board”) of Sunriver Owners Association (“SROA”), on behalf of the Association, has adopted the following Rules and Regulations.

In conformance with and to the extent required or allowed by all or any of the Declarations, the Design Committee hereby consents to the terms of the Rules and authorizes the SROA departments entitled the “Community Development Department” and “Natural Resources Department” (as such departments may be renamed or redesignated from time to time) as the representatives of the Design Committee, to grant permits and approvals as described herein. Such authorization may be revoked or limited by official action of the Design Committee and/or Board of Directors. A copy of these Rules shall be made available upon request by any person at SROA’s administrative office.

SECTION 1 RULES; PROCEDURE AND ENFORCEMENT

1.01 Dissemination of Rules

- A. The Board may appoint an individual to serve as a magistrate for SROA (hereinafter referred to as the “Magistrate”). The Magistrate shall serve at the pleasure of the Board with a term that may be terminated at any time, with or without cause.
- B. The Magistrate shall be the Board’s delegated representative with the authority to act as a hearing officer to enforce the Consolidated Plan, Declarations, Design Committee Manual of Rules and Procedures and these Rules (for purposes of this Section 1.01 only, a “Rule” or collectively the “Rules”) through imposition and collection of fines and penalties. The Magistrate’s primary role shall be to determine whether a violation of these Rules has occurred as a factual matter and to apply the appropriate fine based on the Magistrate’s finding. The Magistrate may consider mitigating circumstances when imposing fines but shall not have the authority to declare a Rule unenforceable as a matter of law. In other words, a Magistrate does not have a judicial power to evaluate whether a Rule is consistent with the Consolidated Plan or the law generally. The power to interpret the Consolidated Plan is expressly reserved to the Board. The Magistrate shall have no authority to file liens or institute legal proceedings on behalf of SROA.
- C. The Magistrate shall decide on Rule violations in an impartial and uniform manner at initial or special hearings as provided in Section 1.02 at times mutually agreed upon by the Magistrate and the Board.

- D. The Magistrate reports directly to the Board. The Magistrate shall maintain a record of all evidence submitted for each rule violation brought before the Magistrate during special hearings and as reasonably necessary at initial hearings. Upon the conclusion of such hearings, the Magistrate shall deliver all such record and evidence to the Board, or its designee.
- E. The Magistrate may make recommendations or propose changes to the Rules by notice to the Community Development Department and/or the Board but shall have no power to unilaterally change or otherwise amend the Rules.

1.02 Notice: Magistrate’s Hearing; Appeals

- A. All person’s subject to a fine for violation of (i) one or more SROA Rules and Regulations or one or more Design Committee Rules (collectively Rule or Rules); or (ii) a provision of the Consolidated Plan or a Sunriver Declaration (collectively Provision or Provisions) shall be given written notice of the violation and proposed assessment of fine. The Association’s General Manager, or his delegate, and any member of the Sunriver Police Department may issue notice of violation of any Rule or Provision.
- B. A form of the notice of violation shall be used which has been approved by the Board. The notice of violation shall include the date and place of the alleged violation, the Rule or Provision alleged violated, the amount of the Scheduled Fine, the date the notice is issued and the date, time and place for a hearing before the Sunriver Magistrate. The notice of violation shall advise the recipient of the following options:

Option No. 1. The recipient may acknowledge the violation and satisfy responsibility for the violation by paying one-half the Scheduled Fine prior to the time set for the hearing before the Magistrate. There is no appeal from Option No. 1 once payment is made.

Option No. 2. The recipient may appear in person or by counsel at the hearing, and either (a) request to contest the violation as provided in Option No. 4 below; or (b) acknowledge the violation and consent to the Magistrate’s decision based upon the report of the person issuing the citation. If the recipient decides to contest the violation under Option No. 4, the Magistrate shall schedule a special hearing as provided in Option No. 4 below. If the recipient acknowledges the violation, then the hearing will proceed. The recipient may not present witnesses, dispute facts in the report or question the person who issued the citation, but the recipient may present an explanation of mitigating circumstances. Other written statements from witnesses will be accepted and considered by the Magistrate. There is no appeal from the Magistrate’s decision under Option No. 2.

Option No. 3. The recipient may mail, in time to reach the Magistrate prior to the time set for hearing as shown in the notice of violation, (a) the full amount of the Scheduled Fine, (b) a written explanation of any mitigating circumstances related to the violation, (c) a waiver of the right to be heard and (d) a consent to the Magistrate's decision based upon the explanation of the person issuing the citation. The Magistrate may cause all or part of the amount tendered to be forfeited in payment of the fine assessed but will return any amount tendered which is in excess of the fine assessed. There is no appeal from the Magistrate's decision under Option No. 3.

Option No. 4. The recipient may contest the violation by submitting a written request for a special hearing to be held at a different time than the regular hearing. The request must reach the Magistrate prior to the time set for hearing. The request shall include agreement to appear, either personally or by counsel, to arrange for any supporting witnesses and shall acknowledge that failure to appear as agreed may result in the assessment of an additional fine not to exceed \$500, in addition to the full amount of the Scheduled Fine. The Magistrate shall require the person issuing the citation and other relevant SROA and Sunriver Service District employees to be present at the special hearing and shall give the recipient written notice of the date, time and place for the special hearing. In lieu of personal appearance, a special hearing based upon written statements may be requested.

- C.** If the recipient fails to respond or appear as per any of the four options above, the violation shall be deemed admitted and the Magistrate may impose a fine, which is not subject to appeal.
- D.** After any regular or special hearing, the Magistrate will determine whether a fine should be imposed, will determine the amount of any fine and will notify the recipient of the determination.
- E.** All appeals of fines imposed by the Magistrate which are subject to appeal shall be decided by the Sunriver Judicial Council. Any person against whom a fine has been imposed under Section 1.02 B. (Option No. 4) who deems that such a fine was unfairly imposed, either because the person believes he/she did not violate any Rule or Provision as charged or because the fine imposed is unduly severe, may appeal from the imposition of the fine by filing a statement to that effect with the Sunriver Judicial Council within 30 days after notice of the fine has been issued. All appeal requests shall be sent to the Judicial Council in care of SROA. The Judicial Council shall schedule a hearing within 90 days from receipt of the statement of appeal and shall notify the appellant in writing at least 10 days prior to the date of the hearing. The collection of the fine shall be stayed pending a decision on appeal.
- F.** For violations of the Rules that are continuing or ongoing, the Magistrate or other enforcement personnel of SROA may impose a fine for ongoing

violation for so long as the violation continues. For example, an owner who refuses to remove a sign not in compliance with the Design Committee Manual commits a Class C offense. The Magistrate or other enforcement personnel of SROA may impose a fine for such offense which renews each month until the sign is removed without the need for a new citation or hearing each month.

1.03 Sunriver Judicial Council

- A.** The Sunriver Judicial Council shall consist of not less than three persons who shall be appointed by the Board. At least two members of the council shall be members of SROA; provided however, that no person shall serve as a member of the Judicial Council while serving as a member of the Board. The Board shall keep on file at its principal office a list of the names and addresses of the members of the Sunriver Judicial Council. The Judicial Council shall elect one of its members to preside at the hearings.
- B.** All hearings held with respect to the appeal of a violation of any Rule or Provision, or fine shall be conducted pursuant to Section 6.07 of the Consolidated Plan. Hearings before the Judicial Council shall be conducted in accordance with such rules of procedure as the Council may adopt from time to time. The chair of the Judicial Council shall preside if present. If not, another member of the Judicial Council shall be selected by the number present to preside. The appellant may appear, either in person, by counsel or by other representative designated in writing, and may examine and cross-examine witnesses, introduce evidence and present oral argument. The appellant may elect to submit his argument based solely on written statement without appearing in person, by counsel or other representative. The Council shall base its decision upon evidence in the record and presented at the appeal hearing and render its decision in writing within ten (10) days of the conclusion of the hearing. Copies of the decision shall be mailed or delivered to the person charged with the violation and to the Magistrate. The decision shall be final and binding on all parties to the appeal.
- C.** A fine in the amount not to exceed \$500 may be imposed against any person who, without notice, fails to appear at a hearing on appeal before the Judicial Council.

1.04 Enforcement

- A.** The Board or its authorized delegate may impose and enforce fines as provided in these Rules, institute legal proceedings to enjoin further violation of the Rules and Provisions and take any such further action as may be provided in the Consolidated Plan or as may be necessary or appropriate to enforce compliance with the Rules and Provisions.

- B.** All fines shall become due and payable ten (10) days after the date the notice of fine is issued by the Magistrate. If within thirty (30) days after the notice of fine is issued the fine is not paid and no statement of appeal has been filed, the Board or its authorized delegate is authorized to file a lien against the Sunriver property owned or occupied by the person having violated any Rule or Provision.
- C.** Any fine imposed for a violation of any Rule or Provision shall be considered both a personal obligation and an assessment against the Sunriver unit owned or occupied by the person in violation of the Rules or Provisions and may be collected in the manner provided for in the Consolidated Plan.
- D.** In addition to any fine or penalty prescribed by these Rules, a person who violates any Rule or Provision shall be liable to the Association for civil damages arising out of the violation and shall be subject to any other remedy available to the Association at law or in equity.

1.05 Schedule of Fines

- A.** Except as otherwise provided in the Rules and Provisions, the Scheduled Fine for violation of any Rule or Provision shall be an amount not exceeding:
 - 1. \$2,500 for a Class A offense and/or Suspension of Recreation access privileges.
 - 2. \$500 for a Class B offense and/or Suspension of Recreation access privileges.
 - 3. \$250 for a Class C offense and/or Suspension of Recreation access privileges.
 - 4. \$100 for a Class D offense and/or Suspension of Recreation access privileges.
 - 5. \$50 for a Class E offense and/or Suspension of Recreation access privileges.
 - 6. \$20 for a Class F offense and/or Suspension of Recreation access privileges.
- B.** The Scheduled Fine for violation of a moving motor vehicle violation (infraction) shall be an amount not exceeding the bail amount prescribed for the offense in the Oregon Supreme Court Uniform Bail Schedule (UBS) applicable to traffic offenses which is in effect at the time of the infraction except the Scheduled Fine for:
 - 1. Exceeding the designated speed limit by 1 to 10 mph shall be \$40;
 - 2. Exceeding the designated speed limit by 11 to 20 mph shall be \$60;
 - 3. Failure to obey a traffic control device shall be \$60; provided the violation does not contribute to an accident.

Said UBS, as revised from time to time, is incorporated herein by this reference.
- C.** The Scheduled Fine for violation of a Design Committee Rule shall be the amount listed in the "Schedule of Fines," Schedule C, Design Committee Manual of Rules and Procedures, which schedule is incorporated herein by this reference.

- D. Fines for violations of any Rule or Provision that do not specify a fine schedule, or an offense/infraction class shall be established by the Board as necessary.
- E. If the fine for a violation is paid prior to the time set for the Magistrate's hearing the amount of the fine will be one-half the Scheduled Fine shown on the notice of violation.

SECTION 2 ROADWAYS, PARKING AND PATHWAYS

2.01 Motor Vehicle Violations

- A. Except as otherwise provided in these Rules, the Oregon Vehicle Code (ORS Chapter 801 et. seq.) by this reference is incorporated as part of these Rules. All provisions and rules in the Oregon Vehicle Code applicable to public highways or to premises open to the public shall be applicable to and enforceable on all roadways in Sunriver. Motor vehicles using Sunriver roadways shall be subject to and operate in compliance with said Oregon Vehicle Code provisions and rules.
- B. No person shall operate a motor vehicle in excess of the posted speed and in no event in excess of 25 miles per hour in non-posted areas.
- C. No person shall operate a motor vehicle on other than surfaced motor vehicle roadways and designated parking areas, except SROA and Sunriver Service District (SSD) authorized vehicles, utility company vehicles and vehicles issued permits by SROA.
- D. No person shall operate any motorized vehicle on Sunriver motor vehicle roadways which is not equipped and registered for operation on the highways of the State of Oregon, except golf carts, construction and maintenance equipment or SROA authorized vehicles. Prohibited vehicles include, but are not limited to, snowmobiles, unlicensed dirt bikes, dune buggies, all-terrain vehicles, go-carts, dune cycles and mini-bikes.
- E. Violation of paragraph A or B of Section 2.01 shall be infractions subject to fine pursuant to Section 1.05 B. Violation of paragraphs C or D constitutes a Class C offense.

2.02 Parking

- A. Motor vehicles shall be parked:
 - 1. On private residential lots on the paved surface, or in the case of a graveled drive, on the surface designated as the drive by the site plan, and

2. On other property, only in designated parking areas or as permitted elsewhere in these rules.
- B.** No vehicles shall be parked so as to inhibit passage of emergency vehicles or snowplows.
- C.** Except as provided in paragraph (D) of this section, vehicles shall not be stopped, parked, or idling on or along any roadway withing Sunriver without prior approval of the Sunriver Police Department or as permitted by SROA.
- D.** Service vehicles providing repair or other services at residential units, which services do not require Design Committee approval, may be parked along residential lanes adjacent to the unit at which the services are being provided, for a period of up to four hours.
- E.** Recreational and utility vehicles and related equipment include, but are not limited to, motor homes, trailer homes, campers, boats, boat trailers, utility trailers, snowmobiles, motorized dirt bikes and trailers. Recreational, utility and commercial vehicles and related equipment may be parked or stored only:
1. On private areas when entirely enclosed within a permanent structure;
 2. In a designated space in a Sunriver RV storage yard subject to availability and payment of a space rental fee to SROA;
 3. As provided in paragraphs F and G of this rule; or
 4. In other areas with prior written approval of SROA.
 5. For purposes of this rule, commercial vehicles include all vehicles used in a trade or business which are larger than 220 inches in length or 78 inches in height or which have lettering more than 3 inches high.
- F.** Subject to all other conditions prescribed in these Rules, recreational, utility vehicles and related equipment may be parked unenclosed on a temporary basis not to exceed 48 hours within a seven (7) day period. In the event of an emergency or other unusual circumstance as determined by SROA in its sole discretion, recreational and utility vehicles and related equipment or other disabled vehicles may be parked unenclosed for additional periods not to exceed five (5) consecutive days with a dated SROA permit. The intent of this Rule is to prohibit long-term, unenclosed storage of recreational, utility vehicles and related equipment, but also to allow temporary, short-term unenclosed parking. Recreational and utility vehicles shall not be used as living accommodations, as stated in Section 4; Rule 4.07 A.
- G.** All vehicles parked on or near a job site in conjunction with an approved construction project will be so designated as a registered contractor by a

visible contractor parking permit displayed prominently on the dashboard or window of the vehicle.

- H.** Each violation of Paragraph A of Section 2.02 constitutes a Class F offense. Each violation of Paragraphs B, D, E, F and G constitutes:
1. A Class E offense if the first violation;
 2. A Class D offense if the second violation; and
 3. A Class C offense for each subsequent violation.
 4. Each violation of Paragraph C of Section 2.02 constitutes a Class C offense.

2.03 Pathways, Pedestrians and Cycles

- A.** The use of Sunriver pathways is restricted to Sunriver owners, residents and guests.
- B.** Pathways shall be used solely by (1) pedestrians and (2) non-motorized vehicles. The term “non-motorized vehicles” means: tricycles, bicycles, scooters, strollers, child trailers, tag-along bikes towed behind bicycles and Class 1 ebikes. For purposes of these Rules, “Class 1 ebikes” means two-wheeled, pedal-assist only, low-speed electric bicycles, with no throttle, that have a maximum assisted speed of 20 mph. All motorized vehicles and non-motorized vehicles not specifically described above (including, but not limited to, skateboards, roller blades, inline skates, hoverboards, electric or other motorized versions of non-motorized vehicles (whether assisted or fully electric), any throttle-assisted or pedal-assisted ebikes capable of speeds higher than 20 mph. and Segway’s) are prohibited. Exception to this rule applies to SROA authorized vehicles and vehicles issued written permits by SROA. Notwithstanding the foregoing, wheelchairs and other similar conveyances are permitted on SROA pathways for use by persons with a disability or infirmity that requires their use. Violation of this rule by using the pathways with any prohibited means of propulsion constitutes a Class C offense.
- C.** Pedestrians and non-motorized vehicle riders are prohibited from using roadways when a bicycle/pedestrian path is adjacent to or near the roadway.
- D.** Pedestrians shall have the right of way on pathways and at all pathway/roadway crossings in accordance with the Oregon Vehicle Code. Pedestrians and non-motorized vehicle riders shall walk/ride on the right side of the pathways and pass on the left with a word of warning (see Section E. below).
- E.** Passing on pathways is permitted only when an unobstructed view of other traffic indicates it is safe to pass. Passing shall be to the left and the person passing shall give audible warning of his/her intention to pass.

- F. Non-motorized vehicle riders shall ride in a safe, respectful, and courteous manner and obey all regulating signs on pathways and roadways.
- G. Non-motorized vehicle operators or passengers under the age of 16 years are required to wear a helmet while riding within Sunriver. All non-motorized vehicle riders and passengers are encouraged to wear a helmet while riding.
- H. Non-motorized vehicles shall be ridden on SROA designated pathways and permitted roadways only (see paragraph 2.03 C).
- I. Non-motorized vehicles shall yield to motor vehicles at all roadway crossings.
- J. Operation of non-motorized vehicles after dark without an operating front light and rear reflector is prohibited.
- K. Non-motorized vehicles shall be ridden as close to the right side of the pathway or permitted roadway as practical.
- L. When stopped, non-motorized vehicle riders, passengers, and pedestrians shall not obstruct other traffic using the pathway.
- M. Non-motorized vehicle riders shall not ride with leashed or tethered pets alongside. (Pets may accompany riders if adequately secured in baskets or cycle trailers.)
- N. Non-motorized vehicle riders shall obey all signage posted at tunnels.
- O. Non-motorized vehicles and pedestrians shall not ride or walk over utility corridors.
- P. Violation of Section 2.03 constitutes a Class F offense, unless otherwise stated.

2.04 Golf Carts

- A. Golf carts shall be operated only on golf courses and roadways or as specifically designated and permitted by the SROA Board:
 1. Only during daylight hours;
 2. As close to the right side of the roadway as practical; and
 3. With a slow-moving vehicle emblem conforming to the requirements of the Oregon Motor Vehicles Division, displayed without obstruction on the rear of the golf cart.

- B. Whenever a golf cart is impeding a vehicle, the golf cart operator shall turn right into the first available road or lane and allow the motor vehicle to pass.
- C. Violation of Section 2.04 constitutes a Class F offense.

SECTION 3 ANIMALS

3.01 Pets

- A. No animals, except household pets, shall be kept or raised within Sunriver. Pets shall not be bred or raised for commercial purposes.
- B. Pets shall be controlled so as not to be a nuisance, harass or chase wildlife or disturb the peace, as defined in Section 5, Rule 5.01 A.
- C. All pet owners are responsible for removing any pet defecation and disposing it in a trash receptacle.
- D. Pets shall not be permitted to run loose or be left unattended outside of the residence. Dogs shall be under the complete control of a capable person either on a leash or under effective voice control at all times. Persons walking dogs shall have a leash in their possession at all times.
- E. Owners of pets who are in repeated violation of these rules may be required to remove their pets permanently from Sunriver. Any dog running loose or unattended outside the private area of the owner thereof may be impounded and the cost of the impoundment shall be assessed to the owner in accordance with the Deschutes County regulations.
- F. Violation of paragraph 3.01 C constitutes a Class E offense. Violation of paragraphs A, B and D constitutes a class D offense.

3.02 Vicious Dogs

- A. Ownership or possession within Sunriver of a vicious dog is prohibited.
- B. A vicious dog is any dog which exhibits any of the following behaviors:
 1. When unprovoked, approaches any person in a vicious or terrorizing manner in an apparent attack;
 2. Has a known propensity, tendency or disposition to attack without provocation to cause injury or otherwise endanger the safety of persons or animals;
 3. Bites, inflicts injury upon, assaults or otherwise attacks a person or animal without provocation; or

4. Is kept or trained for the purpose of dog fighting.

C. Violation of Section 3.02 constitutes a Class B offense.

D. In addition to the fine described by Section 3.02 C, vicious dog(s) may be impounded at the owner's expense and the owner may be required to permanently remove the dog(s) from Sunriver.

3.03 Horses

A. Horses shall be ridden and maintained only in designated pastures or stables, or on designated horse trails unless otherwise authorized by the Board or authorized delegate.

B. Violation of Section 3.03 constitutes a Class C offense.

3.04 Wildlife

A. The deliberate feeding of native or feral wildlife (except birds) within Sunriver is prohibited.

B. The placement of salt blocks (except in designated pastures) within Sunriver is prohibited.

C. The intentional harassment (teasing, stalking, chasing) or physical harm of wildlife within Sunriver is prohibited except as permitted by written approval of SROA for animal control purposes.

D. The live trapping and relocation of nuisance animals is authorized with a permit from the Oregon Department of Fish and Wildlife (ODFW).

E. Violation of Section 3.04 constitutes a Class D offense.

SECTION 4 USE RESTRICTIONS

4.01 Trees and Vegetation

A. SROA Owned Property

Trimming, pruning, damaging or removal of any tree (standing or fallen) and landscaping, restoration or alteration of any SROA owned property without prior written authorization of the Design

Committee or its duly authorized representative is prohibited, except as provided in SROA's Ladder Fuels Reduction Plan and Noxious Weed Plan. For purposes of this rule, a tree is deemed damaged if the Environmental Director determines that the damage has adversely affected the health of the tree. Violation of this paragraph constitutes a Class A offense.

B. Privately Owned Properties:

1. Each owner shall manage ladder fuels and noxious weeds on his/her privately owned property in compliance with SROA's Ladder Fuels Reduction Plan and Noxious Weed Plan.
 - a. Failure of an owner to manage his/her privately owned property in compliance with SROA's Ladder Fuels Reduction Plan within thirty (30) days after written Notice of Deficiency constitutes a Class B offense. If the violation is not remedied within 30 days after the date the first fine is levied, an additional fine equal to double the amount of the fine for a Class B offense shall be levied. If the violation is not remedied within 30 days after the date the second fine is levied, an additional fine equal to four times the amount of the fine for a Class B offense shall be levied. For each additional 30-day period during which the violation is not remedied, an additional fine equal to the amount of the fine for a Class A offense shall be levied. The amounts of the fines for each violation shall be cumulative.
 - b. Failure of an owner to manage his/her privately owned property in compliance with SROA's Noxious Weed Plan within thirty (30) days after written Notice of Deficiency constitutes a Class C offense. If the violation is not remedied within 30 days after the date the first fine is levied (or at the conclusion of any weather-related extension time period as provided below), an additional fine equal to the amount of the fine for a Class B offense shall be levied. If the violation is not remedied within 30 days after the date the second fine is levied, an additional fine equal to the amount of the fine for a Class A offense shall be levied. For each additional 30-day period during which the violation is not remedied, an additional fine equal to the amount of the fine for a Class A offense shall be levied. The amount of the fine for each violation shall be cumulative. Notwithstanding the foregoing, SROA's Natural Resource Director may grant a weather-related extension for compliance with SROA's Noxious Weed Plan. The granting of any such extension shall be in the sole discretion of the Natural Resource Director, shall be in writing, and shall be of as brief a duration as reasonably necessary to account for adverse weather conditions.
2. Trimming, pruning, damaging or removal of any Lodgepole or Ponderosa Pine on private property without prior written authorization of the Design Committee or its duly authorized representative is prohibited except as provided in SROA's Ladder Fuel Reduction Plan. For purposes of this rule, a tree is deemed damaged if the Natural Resources Director determines that the damage has adversely affected the health of the tree.
 - a. Violation of Paragraph 4.01 B.2 constitutes a Class A offense for trees more than 4 inches in diameter.

- b. Violation of Paragraph 4.01 B.2 constitutes a Class C offense for trees 4 inches or less in diameter.
 - c. Diameter shall mean DBH (diameter at breast height). The DBH shall be measured from the original undisturbed ground. In the event the tree has been removed below DBH the diameter shall be measured at the height of the cut.
3. Removal or placement of trees, shrubs, other vegetation or any landscaping on privately owned property without prior written authorization from the SROA Design Committee or its duly authorized representative is prohibited, except for placement of native grasses, non-woody flowering plants and routine landscape maintenance including trimming and pruning of non-native ornamental trees and other vegetation, or as provided in SROA's Ladder Fuels Reduction Plan and Noxious Weed Plan. Violation of this Paragraph constitutes a Class C offense, except as provided in Section 4.01B.2(a).
- C. Cutting, trimming, pruning, removal or planting of each tree, shrub or other vegetation in violation of Section 4.01 shall constitute a separate and independent violation.
 - D. Collection and/or transport of firewood from SROA Owned Properties without a valid SROA permit and load tag constitutes a Class C offense.

4.02 Maintenance and Appearance

- A. The owners or occupants of all units shall maintain the grounds and improvements in a clean and attractive condition and in good repair.
 - 1. Improvements including but not limited to paint, siding and landscape shall be maintained in good condition and repair and as approved by the Design Committee. Failure of an owner to correct a deficiency within 60 days after written Notice of Deficiency constitutes a Class C offense. If the violation is not remedied within 30 days after the date the first fine is levied (or at the conclusion of the weather-related extension time period as provided below), an additional fine equal to the amount of the fine for a Class B offense shall be levied. If the violation is not remedied within 30 days after the date of the second fine is levied, an additional fine equal to the amount of the fine for a Class A offense shall be levied. For each additional 30-day period during which the violation is not remedied, an additional fine equal to the amount of the fine for a Class A offense shall be levied. The amounts of the fines for each violation shall be cumulative. Notwithstanding the foregoing, SROA's Community Development Director may grant a weather-related extension for compliance with any such Notice of Deficiency. The granting of any such extension shall be in the sole discretion of the Community Development Director, shall be in writing, and shall be of

as brief a duration as reasonably necessary to account for adverse weather conditions.

2. Except for ladder fuel reduction materials properly staged for scheduled pickup, storage of garbage and recycling containers, refuse, yard trimmings, cuttings, debris, tools and equipment shall be screened from view from the adjacent property, common grounds and roadways in accordance with the provision of the Design Committee Manual of Rules and Procedures.

- B.** Written approval of the Design Committee is required for all new construction, exterior improvements or changes to existing improvements or landscaping and for exterior painting or repainting. Design Committee approval is not required for repairs or touch-up painting of exterior improvements that do not change the size, configuration, existing material types or colors previously approved by the Design Committee.
- C.** Firewood shall be neatly stacked and not exceed five (5) cords in quantity. A standard cord of wood is approximately 4x4x8 ft. in size. Firewood may not be utilized as “fence building” and must be stacked in a rectangular pattern, not in a linear fashion. The Design Committee, in its sole discretion, shall determine whether any stacked wood conforms to Design Committee Manual Section 29.03.
- D.** Storage of firewood or other materials on other than an owner’s privately-owned property is prohibited.
- E.** Tarpaulins or plastic covers whose colors blend with the natural surroundings (i.e. browns, greens, grays or blacks) may be used. The use of high-contrast, bright or shiny colored tarpaulins or clear plastic covers is prohibited.
- F.** Placing or keeping a sign, which is not in compliance with the applicable provision of the current Design Committee Manual of Rules and Procedures is prohibited.
- G.** Violation of Section 4.02 constitutes a Class C offense.
- H.** Owners should refer to applicable Village Declaration and the Design Committee Manual of Rules and Procedures for additional rules that pertain to maintenance and appearance.

4.03 Fires and Smoking

- A.** Fires are prohibited except in indoor fireplaces and wood stoves, in properly maintained gas or electric cooking devices and patio heaters.
- B.** Outdoor burning equipment is prohibited except for gas or electric cooking devices or patio heaters with an enclosed flame, which are allowed on

patios or decks away from trees or ground cover. Other forms of outdoor cooking may be allowed by seasonal permit for commercial uses or by special permit from the SROA.

- C. The use of all fireworks, including sane and safe fireworks, rockets propelled by model rocket motors and similar devices is prohibited unless specifically approved in writing by SROA.
- D. Outdoor burning of trash or other material and discarding of any burning material, including, without limitation, cigarettes, smoking substances, or warm ashes in other than a fireproof container is prohibited.
- E. Smoking of cigarettes, cigars, pipes, or other substances on or along any road, drive, lane (except within an enclosed motor vehicle), pathway, trail or any SROA owned property is prohibited unless specifically permitted by signage.
- F. Indoor wood burning fireplace and stove chimneys shall have ½" mesh spark arrestors installed in accordance with Deschutes County Building Codes. Such spark arrestors shall be maintained and cleaned, as necessary. Screens shall not be cut out or otherwise allowed to burn or rust out.
- G. In case of Regulated Closure Proclamation by the Oregon Department of Forestry, previously issued seasonal permits may be revoked and additional restrictions may be placed in accordance with identified Regulated Closure. The State Forester or an authorized representative may, in writing, approve a modification or waiver of these restrictions. These restrictions shall remain in effect until replaced, suspended, or terminated by an additional proclamation of the State Forester or an authorized representative.
- H. Violation of Sections 4.03 A, B, D, E, F & G constitute a Class C offense. Violation of Section 4.03 C constitutes a Class A offense.

4.04 Commercial Use and Home Occupations

- A. Commercial or business activities, garage or yard sales, or any other similar activities on or in privately owned residential property are prohibited, except that an owner or occupant residing in such property may conduct any lawful occupation, business, moving or estate sale within the dwelling, but only under all of the following conditions:
 - 1. The existence or operation of the business activity is not apparent by sight, sound or smell from outside the dwelling;
 - 2. The business activity conforms to all zoning requirements for the property;

3. There are no full-time employees except members of the owner's/occupant's immediate family;
4. The business activity does not involve regular visitation of the unit by clients, customers, suppliers, vendors or other business invitees;
5. The external appearance of the dwelling is not affected in a way inconsistent with its use as a residence;
6. No unreasonable parking problems are caused for surrounding residents and parking for the activity does not inhibit emergency access. Parking along roadways is prohibited without prior approval from the Police Department;
7. No signs other than those allowed by the Rules are used; and
8. A business activity shall not constitute a nuisance, be hazardous or offensive, threaten the security or safety of others or adversely affect the property values of other units as determined by the SROA Board of Directors.

B. Violation of Section 4.04 constitutes a Class C offense.

4.05 Solicitation

- A.** Solicitation within Sunriver to sell, enlist support for, or promote any item or proposal by means of personal contact, including the handing out of handbills or other literature or advertisement, the wearing or displaying of any advertisement or door-to-door contact, is prohibited except as follows:
1. Solicitation by means of literature, advertising, newspapers, periodicals or other printed matter either posted or left for sale or distribution to the public at large at such places within Sunriver and in such manner as the Board may designate;
 2. Solicitation by means of newspaper, periodical, radio, television or similar advertisement means placed in the media which reaches persons within Sunriver through U.S. Mail, newspaper delivery routes, retail stores, radio or television; and
 3. Solicitation, including solicitation to promote sales, rentals, time-sharing, or other arrangements for the transfer of ownership or the sharing of any residence or property within Sunriver, provided such solicitation:
 - a. Occurs in or immediately adjacent to the solicitor's sales office, model unit, business or retail office established and operated in compliance with all Sunriver Rules and Provisions; and

- b. Occurs in response to a prior expression of interest by a person, including follow-up meetings, telephone conversation, the preparation or delivery of written matter, the showing of residences or property within Sunriver, and other activities customarily related to real estate transactions.

- B. Violation of Section 4.05 constitutes a Class B offense.

4.06 Cardinal Landing Bridge

- A. Jumping or diving from the Cardinal Landing Bridge is prohibited.
- B. Violation of Section 4.06 constitutes a Class E offense.

4.07 Temporary Living Accommodations

- A. Recreational and utility vehicles shall not be used as living accommodations.
- B. With the exception of authorized Special Events, tents and camping equipment shall not be erected or occupied within Sunriver.
- C. Violation of Section 4.07 constitutes:
 - 1. A Class E offense if the first violation;
 - 2. A Class D offense if the second violation; and
 - 3. A Class C offense for each subsequent violation.

SECTION 5 NOISE, NUISANCES AND OFFENSIVE ACTIVITY

5.01 Disturbing the Peace

- A. Disturbing the peace and tranquility of Sunriver is prohibited. The intent of this rule is to ensure that others are not unduly disturbed by excessive noise, loud talking, loud music, barking dogs, etc. In general, the peace and tranquility of Sunriver is to be maintained between the hours of 10:00PM and 7:00AM, although violations of this rule can occur at any time as observed by an officer. Exceptions to enforcement of this rule include, without limitation, road maintenance, golf course maintenance, the operation of emergency vehicles, the conduct of normal activities within commercial areas (as defined in Section 3.06 of the Consolidated Plan) so long as such activities do not otherwise violate these rules or the Design Committee Rules and Procedures.
- B. Any offensive activity, noise or public indecency that interferes with the use and enjoyment of private or SROA owned property is prohibited. For purposes of these Rules “public indecency” shall include, without limitation:
 - (i) public nudity;
 - (ii) urination or defecation in common areas, areas open to

the public and/or in public view (except in urinals or washrooms provided for that purpose); and (iii) public indecency as defined in ORS 163.465, as it may be amended.

- C. No person shall operate within Sunriver a motor vehicle unmuffled exhaust brake system.
- D. Violation of Section 5.01 constitutes a Class C offense.

5.02 Firearms and Dangerous Projectiles

- A. The discharge of firearms, air rifles or pistols, CO2 guns, bows and arrows, slingshots or any potentially hazardous projectile within Sunriver is prohibited.
- B. Violation of Section 5.02 constitutes a Class A offense.

5.03 Littering and Garbage

- A. Discarding, dumping, burying, burning or other improper disposal of garbage, trash or litter in Sunriver is prohibited.
- B. Garbage, trash and litter is to be placed in a secure garbage container with a working device to prevent scattering of the contents by animals. Further, secured garbage cans are to be left in an enclosure which meets Sunriver Design Rules and not placed at the end of the driveway or outside the enclosure. Not securing garbage cans resulting in the dumping or scattering of the contents by animals is a violation of this rule.
- C. All garbage, trash and litter shall be regularly removed from the premises of each unit by an authorized disposal service or taken from Sunriver. No garbage, trash or litter which is not classified as recyclable is to be discarded at the Recycle Center in the Public Works yard. Garbage, trash or litter which becomes unsightly, odorous or a nuisance is prohibited.
- D. Violation of Section 5.03 constitutes a Class C offense.

5.04 Residential and Commercial Alarms

Any false alarm that the Sunriver Police or Fire Departments respond to in a commercial establishment or private residence after three previous false alarms in a 12-month period constitutes a Class E offense. Citations will be issued for the fourth and subsequent false alarms within that 12-month period. A warning will be issued for the third false alarm.

5.05 Unmanned Aircraft Systems

Except as permitted by the SROA General Manager, the flight of unmanned aircraft, including but not limited to aerial drones, is prohibited in Sunriver. Violation of this rule constitutes a Class A offense.

5.06 Code of Civility

- A.** It is a violation of Sunriver rules for any person to treat SROA staff or volunteers in a disrespectful and inconsiderate manner. No improper conduct, abuse and/or harassment, defined as a course of conduct which intimidates, alarms, or puts SROA's staff and volunteers in fear of their safety shall be tolerated. Improper conduct includes, but is not limited to: obscenities, written, verbal or physical threats and/or gestures directed at SROA staff or volunteers. Sanctions imposed apply to the offending individual(s) only, and not, for example, any other members of a party that did not participate in the improper conduct or behavior.
- B.** Violation of Section 5.06 constitutes:
 - 1. First violation: Class D offense
 - 2. Second violation: Class C offense
 - 3. Each subsequent violation: Class B offense

5.07 Watercraft

- A.** No person shall stop, park, idle, or slow a motor vehicle with or without an attached trailer, on or along a Sunriver roadway with the purpose of dropping off or picking up any person who is engaged in loading or unloading a watercraft.
- B.** "Watercraft" are vehicles used in water, including, but not limited to, canoes, kayaks, paddleboards, dinghies, pontoon boats, fishing boats, log rafts, inner tubes, water floats, inflatable ride-ons, and any other waterborne vessels, regardless of the construction or means of propulsion.
- C.** Each violation of Paragraph A of Section 5.07 constitutes a Class C offense.

5.08 Nuisance Properties

- A. Prohibition.** Owners of private areas, commercial areas, resort areas, common areas, private ways, private recreational areas, semi-public recreational or service areas, and leased scenic areas shall not use their property, or allow their property to be used by guests, licensees, and invitees, in a manner that constitutes a Nuisance as defined in Section 5.08 B of these Rules and Regulations.
- B. Definition.** A "Nuisance" means an unreasonable interference with a right that is common to all members of the public or an unreasonable non-trespassory

interference with another's private use and enjoyment of their property in Sunriver.

C. Conduct Constituting a Nuisance. A Nuisance includes, but is not limited to, conduct occurring on a particular Sunriver property resulting in two or more citations within a 30-day period, or four or more citations within a 180-day period, issued to the owner or their guests, licensees, or invitees, alleging a violation of any combination of the following provisions:

1. Sunriver Rules and Regulations Sections 2.02 (Parking), 3.01 (Pets), 3.02 (Vicious Dogs), 4.03 (Fires and Smoking), 4.04 (Commercial Use and Home Occupations), 5.01 (Disturbing the Peace), or 5.03 (Littering and Garbage), and
2. ORS 471.130 (purchase or possession of alcoholic beverages by a person under 21), ORS 163.465 (public indecency), a provision of ORS 167.007 to 167.017 (prostitution and related offenses), or a provision of ORS 470-005 to 475-285 or ORS 475-752 to 475-980 (uniform controlled substances act).

D. Penalties. An owner's violation of this rule constitutes a Class C offense, except that:

1. An owner's violation of this rule within twelve months of a prior violation constitutes a Class B offense; and
2. an owner's violation of this rule occurring within twenty-four months of two prior violations constitutes a Class A offense.

Penalties for violations of this rule shall be in addition to the penalties assessed for related violations of the Sunriver Rules and Regulations or Oregon Statutes, if any. Owners are not responsible for any violations of this rule that predate their ownership of the property.