

# SUNRIVER RULES & REGULATIONS

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**SUNRIVER RULES AND REGULATIONS**  
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# 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 "Environmental Services 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 Rules 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 recommendation 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 persons 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.
  - 2. \$500 for a Class B offense.
  - 3. \$250 for a Class C offense.
  - 4. \$100 for a Class D offense.
  - 5. \$50 for a Class E offense.
  - 6. \$20 for a Class F offense.
  - 7. \$10 for a Class G offense.
- 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 C. 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 parked on or along any roadway within 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 the 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 dash board 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, C, 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.

### **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 tricycles, bicycles and scooters, including strollers and child trailers or trail bikes towed behind bicycles (collectively “Cycles”). Motorized vehicles and non-motorized vehicles not specifically described above (including, but not limited to, skateboards, roller blades and inline skates) 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 cyclists 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 shall walk on the right side of the pathways and pass on the left.
- 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.** Cyclists shall ride in a safe manner and obey all regulating signs on pathways and roadways.
- G.** Cycle operators or passengers under the age of 16 years are required to wear headgear while riding within Sunriver. All cyclists are encouraged to wear protective headgear while riding.
- H.** Cycles shall be ridden on SROA designated pathways and permitted roadways only (see paragraph 2.03 C).
- I.** Cycles shall yield to motor vehicles at all roadway crossings.
- J.** Operation of cycles after dark without an operating front light and rear reflector is prohibited.

- K.** Cycles shall be ridden as close to the right side of the pathway or permitted roadway as practical.
- L.** When stopped, cycles, riders and pedestrians shall not obstruct other traffic using the pathway.
- M.** Cyclists shall not ride with leashed or tethered pets alongside. (Pets may accompany riders if adequately secured in baskets or cycle trailers.)
- N.** Cycles shall be walked through all tunnels.
- O.** Cycles 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.** If a pet defecates on private property other than the owner's or on SROA owned property within three feet of any pathway or roadway the person responsible for the pet shall clean up after it.

- 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 F 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) available at the Sunriver Nature Center.
- 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.
    - 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.
    - c. The fine assessed for failure to comply with paragraphs (a) or (b) above shall increase by the initial amount of the fine thirty (30) days

after the date the first fine is levied and every thirty (30) days thereafter until the violation is remedied.

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 Environmental 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.

#### **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. The fine assessed for violation of this paragraph shall increase by the initial

amount of the fine thirty days after the date the first fine is levied and every thirty (30) days thereafter until the violation is remedied.

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.
  - 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 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 or with the prior written approval of the Sunriver Fire Department.
- B.** Outdoor burning equipment is prohibited except for gas or electric cooking devices or patio heaters, 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 Sunriver Fire Department.

- C. The use of fireworks, rockets propelled by model rocket motors and similar devices is prohibited unless specifically approved by special permit from the Sunriver Fire Department.
- 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 emergency as declared by the SROA General Manager, previously issued seasonal permits may be revoked and the following restrictions shall be placed in effect until further notice:
  1. No smoking anywhere in Sunriver, except inside vehicles, structures and safe smoking locations specifically approved by the Sunriver Fire Chief;
  2. Outdoor, off road use of chain saws or other fuel-powered equipment will be prohibited, except maintenance equipment with approved spark arrestors; and
  3. Use of all indoor wood burning fireplaces and stoves will be prohibited.
- H. Violation of Section 4.03 constitutes a Class C 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. Tents and camping equipment shall not be erected or occupied upon residential property 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 AND NUISANCES**

#### **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 or noise, which interferes with the use and enjoyment of private or SROA owned property is prohibited.
- 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.