

# SUN PEAK MASTER HOMEOWNERS ASSOCIATION

## Summary of Sun Peak RULES AND REGULATIONS as written in the CC&R's

The CC&Rs are the prevailing document, providing details of the rules and regulations. This is a summary.

### ***The following is prohibited:***

#### **"Affirmative" or "continuing" violation of the Declaration, Bylaws and Rules and Regulations of the Association.**

1. **Governing Regulations.** The lawfully enacted zoning regulations of Summit County, Snyderville Basin Sewer Improvement District, Park City Fire Service District, and any building, fire and health codes are in full force and effect in the SunPeak Community, and no Development Parcel may be occupied, developed or improved in a manner that is in violation of any such statute, law or ordinance. If the Covenants, Conditions and Restrictions in this Declaration are more stringent than applicable zoning, it is the intent that the provisions of this Declaration control. This Declaration shall not authorize any uses, improvements or activities that are prohibited by any local, state or federal law or regulation.
2. **No Mining Uses.** Neither Owner nor Declarant shall use the Property for mining, drilling or quarrying activity at any time.
3. **Limitations on Business or Commercial Uses.** No portion of the Property may be used for any commercial business use, except for those Development Parcels on which such uses are specifically permitted (Parcel 16, specifically and Parcels 17, 18 and 22 potentially), provided however that nothing in this provision is intended to prevent the use by any Owner of his dwelling for a home occupation as permitted by County ordinance. No home occupation will be permitted, however, which requires or encourages the Owner's clients, customers, patients or other to come to the Lot to conduct business, or which regularly requires any employees at the Lot outside of the Owner's immediate family or household.
4. **Restrictions on Signs.** Except as specifically provided, no signs will be permitted on any Development Parcel or within the Property, except for traffic control signs for Roadways or Trails placed by the County, project entry or marketing signs constructed by the Declarant. All signs must be approved by the Committee. Within each Development Parcel, signs indicating that a Lot or Condominium Unit is for sale may be used for up to six (6) months, provided that no such sign may exceed three square feet. The Owner of each Development Parcel may erect a sign of not more than 32 square feet at the entrance to the Development Parcel announcing the availability of Lots and giving sales information after the Design Review Committee has approved such Owner's development plans. Such sign shall be removed as soon as the Lots or Units within that Development Parcel have been sold to individual Owners.
5. **No Mobile Homes or Used Buildings.** No mobile homes, trailer houses, manufactured housing, or used buildings or buildings moved from other locations may be placed on any Development Parcel except for temporary construction offices as provided below.
6. **Completion Required Before Occupancy.** No Dwelling Unit may be occupied prior to its completion and the issuance of a certificate of occupancy by the County.
7. **Wood-Burning Fireplaces.** To limit increases in air pollution, no residence unit shall have more than three (3) wood-burning fireplace, stove, furnace or device. No coal-fired fireplaces, stoves, furnaces or devices will be permitted in the Property.
8. **Animals.** Only ordinary domesticated household pets may be kept on any Lot or in any residence unit. Horses and other non-household animals are specifically prohibited.
9. **Underground Utilities.** All gas, electrical, telephone, television and any other utility lines installed to serve any Development Parcel are to be underground, including lines within any Property Lot which service Improvements entirely within that Lot. There are existing overhead electric lines that are part of the general utility grid which may remain overhead.
10. **No Oil or L.P. Gas Tanks.** The primary heat sources for all Improvements shall be solar, natural gas delivered by pipeline or electric heat. Except for temporary periods during construction of the Dwelling not to exceed twelve (12) months unless approved by the Board, no heating oil, propane, butane or other bulk fuel storage tank may be installed on the Property.
11. **Maintenance of Property.** All Lots, and the Improvements on them including landscaping, shall be maintained in a clean, sanitary, attractive and marketable condition at all times. No Owner shall permit his Lot or the Improvements on it to fall into disrepair. Upon failure or neglect of any Owner to properly maintain any landscaping or Improvements on any Lot or to otherwise comply with these covenants within thirty (30) days after written notice by the Board, the Trustees may, but shall not have obligation to, cause the landscaping or Improvements thereon to be suitably maintained and/or brought into compliance and the Owner shall be responsible and liable for the expenses of such repairs. Failure to pay such expenses, upon written demand by the Board, may result in lien against the property in the manner in which liens are provided herein.
12. **No Noxious or Offensive Activity.** No noxious or offensive activity shall be carried out on any Lot, including the creation of loud or offensive noises or odors that detract from the reasonable enjoyment of nearby Lots.

# SUN PEAK MASTER HOMEOWNERS ASSOCIATION

- 13. No Hazardous Activity.** No activity may be conducted on any Lot that is, or would be considered by a reasonable person to be dangerous or hazardous, or which would cause the cancellation of conventional property casualty insurance. This includes, without limitation, the storage of caustic, toxic, flammable, explosive or hazardous materials in excess of those reasonable and customary for household uses, the discharge of firearms or fireworks, and setting open fires other than contained barbecues. No bulk fuel such as gasoline, diesel or propane will be stored on the Property for any purpose. The use of pesticides will be in strict compliance with applicable regulations, and no Owner will apply any pesticide to any Open Space, except under the direction and authorization of the Trustees. No Development Parcel, Lot or Condominium Unit will be occupied, used or developed in a manner that is in violation of applicable federal, state or local environmental laws or regulations.
- 14. No Unsightliness.** No unsightliness is permitted on any Lot. This shall include, without limitation, the open storage of any building materials (except during the construction of any Improvements); open storage or parking of farm or construction equipment, inoperable motor vehicles, boats, campers, trailers, trucks larger than pick-up trucks (except during periods of actual loading and unloading); accumulations of lawn or tree clippings or trimmings; accumulations of construction debris or waste; household refuse or garbage except as stored in tight containers in an enclosure such as a garage; lawn or garden furniture except during the season of use; and the storage or accumulation of any other material, vehicle or equipment on the Lot in a manner that is visible from the Public View.
- 15. No Annoying Lights.** Any outdoor lighting shall be subject to approval by the Architectural Committee, and no outdoor lighting shall be permitted except for lighting that is designed to aim downward and limit the field of light to the confines of the Lot on which it is installed. This shall not apply to street lighting maintained by the County or the State. The flood lighting of private tennis courts or similar sports courts is deemed to be annoying to abutting Owners, and is expressly prohibited.
- 16. No Annoying Sounds.** No speakers, or other noise making devices may be used or maintained on any Lot which creates noise that might reasonably be expected to be unreasonably or annoyingly loud from adjoining Lots, except for security or fire alarms.
- 17. Sewer Connection Required.** All Lots are served by sanitary sewer service, and no cesspools, septic tanks or other types of waste disposal systems are permitted on any Lot. All dwellings, offices or other habitable spaces must be connected to the sanitary sewer system in accordance with the rules and regulations of the Snyderville Basin Sewer Improvement District.
- 18. Drainage.** An Owner shall not alter the natural drainage pattern of his Lot, except in accordance with any grading, water diversion or fill plans approved by the Design Review Committee and the County
- 19. Protection of springs and streams.** Although well-drained alluvial soils appear to predominate the Property, streams and springs are present. Dwelling construction should not alter or impede the natural flow of groundwater. An Owner planning to construct a dwelling on a Lot proximate to streams or springs shall seek the advice of an experienced design professional, particularly if the dwelling is to include basement space and shall provide such written review to the Design Review Committee.
- 20. Vehicles Restricted to Roadways.** No motor vehicle will be operated on the Property except on roadways and driveways. No snowmobiles or unregistered motorcycles will be operated on the Property except while loading the equipment for lawful transport on public streets. The operation of any vehicle on any Open Space within the Property is strictly prohibited, except for maintenance work being conducted under the supervision and authority of the Association.
- 21. No Hunting.** The hunting, trapping and harassment of wildlife, by firearms or any other means, is expressly prohibited with the Property. The discharge of firearms of every kind and description is expressly prohibited within the Sun Peak Community, including the Open Space Parcels.
- 22. Fencing.** Fencing shall be permitted only for decorative or screening purposes in conformance with the Architectural Design Guidelines.
- 23. No Commercial Uses.** No Owner may use his or her property, Lot or Condominium within SunPeak for any commercial purpose, except that home offices, artists' studios and similar occupations may be conducted from a residential site; provided however that no employees outside of the Owner's immediate family may be required to work on the property, and that customers, clients or patrons are not invited to the property to conduct business. No retail sales are permitted. Development Parcel 16 is designated as a Commercial Lodge Parcel, and this provision shall not be construed as limiting the rights of the Owner of that Development Parcel to conduct typical hotel lobby retail and service activities, including restaurants, taverns and shops intended primarily to serve the needs of lodge guests.
- 24. Single Family Use.** Residences are to be used as single family residence. Under no circumstances shall any Residence, or any portion of a Residence, be rented or leased on a nightly or short-term basis (i.e., for a period of less than thirty (30) consecutive calendar days). Any set of circumstances that gives rise to the rental or lease of a Residence for less than thirty (30) consecutive

# SUN PEAK MASTER HOMEOWNERS ASSOCIATION

calendar days (including, but not limited to, a series of subleases involving a single long-term tenant) and/or the rental or lease of a Residence for use as something other than a single family residential Residence, shall be absolutely prohibited; provided, however, that exceptions shall be permitted if a bona fide lease has been executed for a Residence for a period of thirty (30) or more consecutive calendar days which is terminated prematurely due to circumstances not known or existing at the time the lease was entered into. This policy was adopted on September 28, 2010 the association adopted this "Nightly Rental Policy".

- 25. Clubhouse Rules: Maximum Occupancy 99 People. NO SMOKING in the Clubhouse, Tennis Court, or Pool Area.** 1. Loud music, noise or actions that inhibit the enjoyment of others of the facilities and actions which endanger themselves or others, will not be tolerated. 2. Use of the Clubhouse for events requires a rental agreement, damages deposit, and cleaning fees to be paid in advance of the event, and a signed acknowledgement of the rules and regulations for use by the property owner for an event. 3. The Clubhouse shall NOT be rented to the public or for public use at any time. 4. The facilities may not be used for money-making purposes. 5. No Ball playing, skateboarding, rollerblading or bicycles are allowed on the tennis courts at any time. 6. Dogs are not allowed in the tennis court fenced area. 7. No overnight or unrelated parking is allowed on the amenity site. 8. No pets are permitted in the clubhouse, tennis courts, or fenced pool area, except service dogs. 9. NO Private lessons of any kind are allowed at the facilities to allow the maximum enjoyment of the facilities by all Sun Peak owners, and for liability reasons. 10. Please make sure doors close and lock before leaving the clubhouse. Use from 5:15 am to 9 pm daily year round.
- 26. Tennis Court Rules:** 1. No pets are permitted on the Tennis Courts or in the fenced area. 2. NO Skateboarding, rollerblading or bicycles are allowed on the tennis courts at any time. 3. Only Tennis and Pickle Ball are permitted to be played on the tennis court. 4. No Smoking on tennis courts. 5. First come first serve, sign up on the signup sheet at the tennis court entrance. Use from 7am to 9 pm daily, seasonal.
- 27. NO LIFEGUARD ON DUTY AT ANY TIME. SWIM AT YOUR OWN RISK**
1. Ages 14 and under require an adult (18 or older) to be present and supervising child.
  2. Children ages 3 and under are required by state law to wear a swim diaper and waterproof swim wear over the diaper when in the pool.
  3. Please do not prop open pool gates.
  4. A Sun Peak resident or family member must accompany guests at all times.
  5. Attendance is limited to NO MORE than 10 guests per Sun Peak family.
  6. 10 guests or more requires a pool group application, and a \$75.00 fee. No more than 25 guests are permitted with a pool group application. See sunpeak.org for the application. Please note this does not include the use of the Clubhouse.
  7. A clubhouse attendant will be present on weekends, and holidays to assure users are Sun Peak homeowners.
  8. NO FOOD permitted on pool deck. Please use grass areas, and designated tables. Please clean up after yourself.
  9. NO PETS are permitted in the pool area.
  10. Authorized personal only are permitted to operate swimming pool controls.
- Pool Hours 10:00 am to 9:00 pm daily, pool is open seasonally weather permitting.
- 28. Willow Draw Cottages Supplemental CC&R's recorded 1997:** Additional restrictions pertain to setbacks, erosion control, disturbances of hillside, residential floor area, perimeter fencing, roof restrictions, windows, antennas, satellite dishes, and solar panels, No used or temporary structures, balconies and decks, landscaping, stream protection area, entry gates, maximum home size, kennels and dog runs, no re-subdivision, no combination of lots, 1 dwelling per lot. Transient Lodging Uses: all lots are to be used for residential housing purposes only, and, except as provided in this Section 1.20, shall not be used in whole, or part, for transient lodging purposes. Transient lodging shall include but not be limited to, a boarding house, a 'bed and breakfast', or any other related uses. Owners may rent or lease the dwelling so long as the individual rental terms for any such rental is not less than one (1) month and the lease acknowledges both the Master Declaration, Design Guidelines and this Supplemental Declaration and agrees to be bound thereby. No lot shall be subject to time interval ownership. No nightly rentals shall be allowed at any time. Each home in Willow Draw shall be deed restricted so as not to allow rentals less than thirty (30) days in duration.
- 29. Other violations of the Declaration, Bylaws or Rules of the Association not set forth above.**

Please reference the website sunpeak.org for all governing documents, forms for clubhouse rental, pool guest rental, Design Review applications, financials, budgets, newsletters, and other community information.