

These Rules and Regulations are intended to be consistent with and in addition to the Covenants, Conditions and Restrictions recorded 3-03-2004 as Doc #2004149567. Amended 2009. Amended 2014. Amended 2018. Amended 2021

## **SMILEY PARK COUNTRY CLUB RULES AND REGULATIONS**

### **I ROADWAYS**

1. Vehicle speed limit within Smiley Park Country Club is 15 MPH. Persons operating vehicles in Smiley Park must possess a valid driver's license.
2. Vehicle operation, within Smiley Park Boundaries is limited to paved or designated access Roadways.
3. The use of two, three and four wheel off-road vehicles (motorcycles, mini bikes, go-carts, dune buggies) when used for recreation is prohibited.
4. Golf carts may be used for transportation around the Park on paved or designated access Roadways. No off road use.
5. No parking is allowed in designated turn outs.

### **II CLUBHOUSE FACILITIES AND POOL RULES**

1. The use of the pool and clubhouse is available only for Members and their guest(s). Members and their guest(s) must sign-in before using the pool.
2. The pool schedule is posted at the Clubhouse.
3. Animals are not permitted inside the Clubhouse or pool area.
4. Members and guests are required to comply with posted pool rules.
5. Children under fourteen(14) years of age must be visually supervised at all times by an adult while at the pool.
6. Food and glass drinking containers are not permitted on the pool deck.
7. No alcohol is permitted on the pool deck.
8. Every Member has the authority and responsibility to correct others when they do not observe pool regulations.
9. Members may use the Clubhouse facilities after regular hours only by prior arrangement and signing a permission form.
10. The waste containers are for Members use only.
11. The Board, through BURRTEC will schedule special pickups for pine needle collection, bulky or large item collection and Christmas tree recycling. Advance notice will be given to Members of date and time. Member's contracting for home site cleanup are not to have their contractor use the dumpsters.

### **III GREENBELT & COMMON AREAS**

1. Greenbelt areas consist of open land designated for the purposes of preserving the scenic beauty, physical forestry and other natural advantages of the Park.
2. Nothing shall be altered or constructed in, or removed from the Common Area except upon the written consent of the Board. The Owner shall be liable for any damage to the Common Area or the Improvements located thereon caused by said Owner, or the Owner's family, guests, invitees or agents, by means of a reimbursement assessment (CC&Rs Article XI, Section 2).

#### **IV MEMBERS' RESPONSIBILITIES**

1. The Board will evaluate written, signed complaints/comments. The Board will not necessarily act upon any anonymous complaints/comments.
2. Member's property must be maintained in a neat and orderly condition. Machinery, unlicensed vehicles, junk, salvage and other debris are not allowed. Debris remaining after a natural disaster must be removed within a reasonable time period as determined by the Board. An unobtrusively stored and currently licensed small utility trailer is permitted.
3. Members shall be responsible for compliance with rules and regulations by their guests and employees.
4. Members shall demonstrate courtesy to others regarding noise pollution. Loud noises are prohibited in the Park between 10:00pm and 7:00am.
5. Dogs when not on Member's property or in an area designated by the Park, must be on a leash. In all situations the dog must be under the Member's control. Dogs must have current license and tags. The number of dogs per residence is limited to three. No animal may be kept within the Park without proper care and shelter or so as to cause a health or safety risk. (CC&Rs Article III, Section 7). Animals may not unreasonably annoy Park Members.
6. Members and guests walking dogs must clean up after their dogs, not only from adjacent properties but also from the roadways.
7. No livestock or any kind, including horses, shall be permitted on any property in Smiley Park. Domestic animals are acceptable as household pets provided they do not exceed San Bernardino County codes as to number and are not being raised or bred for commercial purposes.
8. Members are responsible for placing six (6) inch reflective house numbers in locations visible from the road, for safety / ease of emergency vehicles.
9. Permission for the outdoor storage/parking of recreational equipment/vehicles on Member's property must be approved in writing in advance. The Board will evaluate location and exposure to adjacent houses and Roadways.
10. A tent, garage, trailer, motor home or other out building shall not be used at any time as a residence either temporarily or permanently. Exceptions are: a) while construction of a home is in progress for a reasonable period of time and not more than six (6) weeks after construction is completed; and b) occasional guest(s) of a Member with a motor home or trailer home for a period not to exceed two weeks, with notice given to the Business Office.
11. Owners/Renters/Lessees must attend an orientation meeting and sign all necessary documents prior to moving into the Park.
12. Members or contractors are not allowed to dump debris at the helipad or on any Common Area within the Park.
13. Each Home site shall provide for the parking of at least two (2) vehicles either within a garage, carport or approved Parking Area. Vehicles shall not be parked on any Roadway or in a manner as to interfere with passage on any Roadway within the Park. (CC&Rs Article III Section 6). All vehicles must be parked so that no part is closer than fifteen (15) feet from the centerline of the Right of Way.
14. Each Member shall be responsible to have a shut off valve installed on the Member side of the water service. All new construction shall have a back-flow device installed on the Member side of the water service in addition to the shut off valve.

#### **V TREES**

1. Members shall not cut or remove live trees over eight (8) inches in diameter growing in the Park without the Board of Directors prior written approval.
2. Dead timber and downed wood on Member's property is the responsibility of the Owner for cutting down and removing. Wood from Owner's property may be disposed of outside Smiley Park at Owner's discretion. The Member must remove slash.

3. Members of the Park may cut timber and downed trees on Common Greenbelt areas for use within the Park only with written Board permission. The Member cutting the wood must remove slash from the Park.
4. Current rules of the Tree Lottery shall be adhered to, as if contained in this document.
5. Trees designated by the Board for removal must be removed prior to any transfer/lease of the Property.
6. Members shall notify and cooperate with California Division of Forestry regarding the identification and removal of Bark Beetle infected trees.

## **VI FIRE CONTROL**

1. There shall be no exterior fires by Members whatsoever within the Park, except barbeque fires contained within receptacles designed therefore, in such a manner that they do not create a fire hazard.
2. All flammable vegetation must be cleared from the area within ten (10) feet of any Roadway adjacent to any Home site.
3. Each Member must remove all weeds, needles, leaves, dead or dry grass from all areas located within thirty (30) feet from any structure or to the property line of his or her Home site, whichever is closer to such structure. Individual bushes, which are trimmed and maintained in a manner so that they are not a fire hazard are permitted.
4. No combustible material may be kept or stored within ten (10) feet of any liquid petroleum (propane) gas tank or container.
5. All leaves, needles and other debris must be removed from roofs.
6. Chimney and flue openings must be covered with one-half inch (1/2) wire mesh spark arrester that is visible from the ground.
7. No tree limbs are permitted within ten (10) feet of any chimney opening.
8. All ashes must be placed in a metal or other fire proof container and must be soaked in water for at least twenty four (24) hours.
9. Spark arresters must be installed on all internal combustible engines.
10. Any item identified by the Board to be a fire hazard must be immediately removed or corrected by the Member.
11. In no event shall any Property be sold or otherwise transferred without first removing any identified fire hazard.

(All of the above contained in the CC&Rs Article III, Section 9)

12. Roof materials must be a type approved by the State Fire Marshal and/or Department of Forestry and Fire Protection as a fire-retardant material.

## **VII USE RESTRICTIONS**

1. Each Home site shall be for a single-family dwelling and *shall consist of a minimum of eight (8) lots.* (CC&Rs Article III, Section 1).
2. No primary building shall be erected, altered, placed or permitted to remain on any Home site other than one (1) single-family dwelling, which may include an attached private garage and / or a deck or decks, as may be approved in the governing documents.
3. No more than one Accessory Building may be constructed on any Home site. No Accessory Building may exceed 120 square feet in size. Members may also construct or install an appropriate septic system, one detached garage or carport, and/or any other auxiliary use approved in writing by the Architectural Committee and Board of Directors. (CC&Rs Article III, Section 1b).
4. No property may be subdivided. (CC&Rs Article III, Section 2).

5. No part of the Properties may be used directly or indirectly for any business, commercial, manufacturing, mercantile, vending or other such nonresidential purposes. Professional and Administrative occupations without external evidence thereof, for so long as such occupations are in conformance with all applicable governmental ordinances and are merely incidental to the use of the Property as a residential home are allowed. No soliciting shall be permitted within the Park. (CC&Rs Article III, Section 3).
6. No noxious or offensive activity shall be carried on within the Park, nor shall anything be done therein which may be or become an unreasonable annoyance or a nuisance to any other Member or occupant. Without limiting the generality of the foregoing provisions, no loud noises or obnoxious odors, no exterior speakers, horns, whistles, bells or other sound devices (other than security devices used exclusively for security purposes) noisy or smoky vehicles, large power equipment or large power tools or items which may unreasonably interfere with television or radio reception of any Member or occupant in the Park, shall be located, used or placed on any portion of the Properties (CC&Rs Article III Section 4).
7. No commercial sign, poster, display or advertising device of any kind shall be displayed to the public view within the Park., without the prior written consent of the Board of Directors, except that each Home site may have one (1) sign of not more than four (4) square feet, advertising the Home site for sale and one (1) sign of not more than two (2) square feet indicating that the home is protected by a security system. No signs may be attached to trees. (CC&Rs Article III Section 5).
8. No radio station, cell relay or short-wave operators of any kind shall operate within the Park, unless approved by the Board of Directors. No satellite dishes over 30" in diameter, exterior radio antenna or CB antenna of any type shall be erected or maintained in the Park, without the prior written consent of the Board of Directors. (CC&Rs Article III Section 12).
9. Nothing shall be done or kept in the Park which will increase the rate of insurance on any property insured by the Club without the approval of the Board, nor shall anything be done or kept in the Park which would result in the cancellation of insurance on any property insured by the Club or which would be in violation of any law (CC&Rs Article III Section 13).
10. No drilling for oil or gas, oil or gas development operations, oil refining, quarrying or mining operations any kind shall be permitted within the Park, nor shall oil wells, tanks, tunnels, or mineral excavations or shafts be permitted upon the surface of any Property or within five hundred -fifty feet (550') below the surface of any Property (CC&Rs Article III Section 14).
11. All electrical wires, telephone wires, television cables and other wires, cables, pipes and conduits used for provision of utilities shall be located underground for all new residences and Improvement constructed. (CC&Rs Article III Section 15).
12. No inoperable vehicle or part thereof, or any vehicle without current registration tags, shall be parked, stored or kept within the Park, except wholly within an enclosed garage, or in a storage area designated for such use and approved by the Board of Directors. No large commercial or commercial-type vehicle (including, but not limited to any dump truck, cement mixer truck, oil or gas truck or delivery truck), recreational vehicle (including, but not limited to any camper unit, house car or motor home), bus, trailer, trailer coach, camp trailer, boat, personal watercraft, snowmobile, aircraft, mobile home or any other similar vehicle, shall be parked, stored or kept within the Park unless the vehicle is approved by the Board of Directors and is parked only in a Parking Area approved by the Board of Directors. The Owner's of adjacent Home sites shall be given notice of any application for a proposed Parking Area and given the opportunity to comment thereon prior to approval by the Board of Directors thereof. (CC&Rs Article III Section 6)
13. No construction, alteration, grading, addition, excavation. modification or reconstruction of an Improvement shall be commenced or maintained by any Owner until the plans and specifications therefore showing the nature, kind, shape, height, width, materials and location of same shall have been submitted and approved by the Architectural Committee. (CC&Rs Article XI Section 11).
14. The architectural guidelines are incorporated into this document by reference.

15. No fences, walls and or retaining walls of any kind may be installed or altered without first being approved by the Architectural Committee. Fences and/or hedges defining property boundaries are prohibited. Approval of fencing, walls and retaining walls will be limited in order to maintain open spaces, control water flow, avoid obstruction of Roadway and to preserve the aesthetic nature of the Park. (CC&Rs Article III Section 11)
16. Prior to entering into, adding to or extending a lease, lessee must present a survey of the Home site, which meets the current survey requirements. The survey shall be made by a licensed surveyor and show the items listed in Table A (below). If a survey of the site has been completed within the prior five (5) years and no site conditions have changed and the survey meets the listed requirements, the Member can make a written request to the Board of Directors to obtain a survey requirement waiver. The Member shall identify on site, the permanent visible property corners to the Architectural Committee representative. Prior to the construction of a major building on site or project involving moving of earth, the Architectural Committee may require a survey that shows contours of the site, method of erosion control and drainage on and off the site.

TABLE A

Property boundaries  
 Corners of existing structures and decks  
 Existing edges of driveways (paved and/or unimproved)  
 Edge of SPCC roadway or County road paving  
 Retaining walls  
 Parking area perimeter  
 Trees larger than eight (8) inches in diameter  
 Site easements  
 Propane tank  
 Walkways  
 Major landmarks within ten (10) feet of permanent property marker  
 Principle corner of the property shall have permanent visible markers installed.

**VIII  
 GENERAL PROVISIONS**

1. Lot Purchase Policy and Procedures are incorporated herein by reference.
2. Escrow and Real Estate Procedures for Smiley Park Country Club are incorporated herein by reference.
3. Dispute Resolution Policy is incorporated herein by reference.
4. Meters shall be read before and after Smiley Park Country Club does any work on water lines at point of Member service.
5. Member's working for Smiley Park Country Club will be paid at the base rate unless the Board has previously authorized a higher rate.
6. Collection Policy is incorporated herein by reference.
7. The Business Office will retain original leases.
8. Pool rules will be mailed annually to members and posted at the Pool.

## POOL RULES

1. Do not prop open access gate. (Insurance and County regulation)
2. Do not admit anyone to the pool who is not in your party or a member of SPCC
3. Members and their guests must sign in BEFORE using the pool.
4. Animals are not permitted in the pool area (lower gated area)
5. All posted regulations must be followed.
6. Persons less than 14 years of age must be visually supervised at all times by an adult member.
7. Member's children, 14 to 18 years of age are limited to two guests per child without adult supervision. Dated permission slip naming the guest(s) and indicating the date of usage must be filled out by the member and in the child's possession (Park liability). LEAVE ON SIGN IN SHEET
8. Every member has the responsibility to correct others not following rules.
9. No alcohol or eating is allowed on the pool deck. No glass is allowed on the pool deck.
10. Prior approval must be obtained from the Board for a member and guests to use the clubhouse or pool facilities after hours. Forms are available upon request.
11. No metal objects, litter or cigarette butts are allowed in the pool. This includes coins. (These may damage to pool filter when the pool is vacuumed).
12. Hook, life preserver and hose are for emergency use only. Other pool equipment is to be used by authorized persons only.
13. No diving.
14. No running.
15. Everyone must shower before using the pool (Reduces pool maintenance cost).
16. Return toys, chairs, etc to where they belong.