

# RULES AND REGULATIONS

The Restrictive Covenants that run with the land, the Articles of Incorporation, Bylaws, Architectural Control Guidelines and these Rules and Regulations govern the conduct of all members of SVCA. Owners of Sudden Valley lots and/or condominiums are subject to their provisions by virtue of their SVCA membership. Such membership is established by purchase or acceptance of transfer of the Lot or Condominium from any previous owner(s) of record. The purpose of these Rules and Regulations is to lend greater definition to the Restrictive Covenants of the Association. The following Foundation Statement was conceived in order to furnish guidance and intent to these Rules and Regulations, to lend credence to our mutual history and our future, and to who we are as a Community Association.

*Sudden Valley is a diversified community in a unique resort setting of natural beauty, which offers controlled access to recreational facilities and interests, incorporating sensitivity to individual concerns for development, security and privacy.*

## **1. Member Responsibilities for General Activities:**

1.1 Property owners of SVCA are responsible for the actions and compliance with these Rules and Regulations by their families, guests, tenants and agents.

1.1.1 SVCA will not be held responsible for any accident or injury in connection with the use of any facility or common area by members, their guests, invitees, tenants or agents.

1.1.2 SVCA may suspend certain privileges of any person found in violation of these Rules and Regulations.

1.1.3 The cost of repairing damage to SVCA property caused by members, their guests, invitees, tenants, agents or pets may be reasonably charged to the property owner.

1.1.4 The property owner shall be responsible for any fine, assessment, or penalty levied against him/herself or any family member, tenant, invitee, guest, or agent, and shall be mailed written notice of such infractions to their current address of record.

1.1.5 The liability of a property owner for an extraordinary fine assessment for the aggressive behavior or assaultive conduct of an invited or uninvited guest toward a Security Officer or other employee of the SVCA, shall be limited to those situations where the property owner knew that such behavior or conduct was likely and did not take action to prevent it, or where the property owner intentionally aided, abetted or contributed to the behavior or conduct, or created conditions where such behavior or conduct was likely to occur, or where the owner either knew that the guest intended or was predisposed to become aggressive or assaultive.

(a) An extraordinary fine assessment shall be deemed to be above \$1000 in cases involving aggressive or assaultive behavior toward security or other SVCA personnel. (See Appendix L)

1.1.6 Non Member Rules Enforcement – The Association’s Administration, through the General Manager, shall be authorized to pursue all reasonable actions available for rules enforcement in the case of non members. Such action may include the issuance of citations, swearing civil and criminal

complaints, using collections agencies, working cooperatively with law enforcement agencies, trespassing violators, barring business operations from SVCA property and roadways and initiating legal action in accordance with applicable SVCA policy.

(a) Trespassing by Non Members – Persons who are non property owners who violate Association rules or who conduct themselves in a rude, threatening or offensive manner, or in a manner that causes suspicion, concern, or alarm, may be declared trespassers on Association property and expelled from the Community. Those refusing to leave Association property may additionally be subject to criminal violations and civil penalties. Persistent or serious violators of Association rules or who disrupt the peace and tranquility of the Community may be declared unwelcome in the Community and directed not to return without prior administrative permission from the General Manager.

1.2 Sudden Valley is a declared wildlife and bird sanctuary. The use of firearms, hunting, the molesting of birds and their nesting or feeding areas, the trapping or harming of other wildlife by any means is strictly prohibited except by proper authorities working within an approved control program.

1.2.1 Deer Feeding Prohibited - It shall be a violation of this rule to feed deer, maintain a deer feed area or station, or feed any other wild animal in a matter that would attract deer within the boundaries of Sudden Valley neighborhoods.

a. Violation of this prohibition will result in a \$50 fine. Successive violations will result in fines that increase by \$50 per incident until the prohibited activity ceases. (Approved 9/26/13)

1.3 No firearm shall be discharged, carried, or displayed anywhere in the Sudden Valley Community except in the member's home or while being transported out of the Community or being returned to the member's home.

1.3.1 No firearm shall be carried or displayed at any meeting or other activity conducted by the Association, or in any Association facility or on Association property.

1.3.2 This rule shall not apply to law enforcement officers in the performance of their duties.

1.3.3 Firearms shall be defined as to include but shall not be limited to: rifles, shotguns, revolvers, pistols, air pistols, pellet guns, air guns of all types, tasers, stun guns, pepper sprays, bows and arrows, cross bows, and slingshots.

1.4 Use of firecrackers and fireworks in general are prohibited within Sudden Valley except in areas and at times specified by SVCA.

1.5 Littering in any area of Sudden Valley is strictly prohibited.

1.6 Complying with the State of Washington Outdoor Burning Regulations (WAC 173-425), the Northwest Air Pollution Authority (NWAPA), and Fire District 2 regulations: **NO OUTDOOR BURNING** is allowed in Sudden Valley except as provided in 1.6.3. (Further informational printouts regarding the WAC 173-425 and NWAPA are available at the Administration Office)

### 1.6.1 *Definition:*

**“Fire fighting instruction fire”** means fires for instruction in methods including, but not limited to, training to fight structural fires and forest fires.

**“Land clearing burning”** means outdoor burning of trees, stumps, shrubbery, or other natural vegetation from land clearing projects.

**“Recreational fire”** means cooking fires, campfires, and bonfires using charcoal or firewood that occur in designated areas or on private property for cooking or pleasure.

**“Residential burning”** means the outdoor burning of leaves, clippings, and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his/her designee.

### 1.6.2 *Policy:*

By reference, the provisions of WAC 173-425 are adopted. Consistent with policies for Urban Growth Areas in High Density Areas, no residential or land clearing burning is allowed.

### 1.6.3 *Exceptions:*

The following types of outdoor burning are allowed:

- (a) Recreational fires with a total fuel area of less than three (<3) feet in diameter and/or two (<2) feet in height are permitted.
- (b) Fire fighting instruction fires.

1.6.4 When a burn ban is in effect in Sudden Valley no outdoor fires except properly enclosed cooking fires using gas or charcoal as fuel will be permitted. All other outdoor fires (open flame, including recreational fires as described in 1.6.3) are prohibited for the duration of the burn ban.

- (a) A burn ban will automatically go into effect in Sudden Valley if Whatcom County declares a burn ban.
- (b) A burn ban may be declared in Sudden Valley by the Board President or the General Manager if a burn ban is put into effect by Skagit County or if conditions in Sudden Valley are deemed sufficiently hazardous as to require the ban.
- (c) The existence of the burn ban will be publicized by all available means including gate signs, web site, *Sudden Valley Views* and community bulletin boards.
- (d) A first (1<sup>st</sup>) violation of this rule will subject the violator to a fine of \$250. Subsequent violations will be punishable by a fine of \$500.

1.7 Actions or activities by members (or those for whom the member is responsible), either intentionally or through negligence, which may be or may become an annoyance, nuisance or hazard to adjacent property

owners or unreasonably affect the quiet enjoyment of any individual, household or the neighborhood, are prohibited and subject to a Notice of Violation.

1.7.1 This shall include, but not be limited to, excessive noise, loud music, barking dogs, or motor vehicle noise. It shall additionally include any tool, machinery, or construction noise after designated hours (see Section 14.7), or any other activity, which might unreasonably annoy or endanger an individual or the public.

1.7.2 Yard maintenance equipment may be operated Monday through Sunday, 10:00 a.m. to 7:00 p.m.

1.8 All door-to-door solicitation is prohibited in Sudden Valley; provided, however, that students under the age of 18 may solicit door-to-door in order to raise funds for school or club activities if they are accompanied by a parent or guardian.

1.8.1 Direct commercial, charitable, or religious solicitation of Sudden Valley residents on SVCA property is prohibited; provided, however, that reasonable political solicitation, political petitioning, or other political speech activities may be conducted on SVCA property to the extent such political speech activities (1) involve matters of public concern, (2) are conducted in a common area or public forum, and (3) do not unreasonably disrupt or interfere with normal or customary activities in such areas.

1.8.2 SVCA Security staff have authorization to issue trespass warnings for violations of this Section where appropriate.

1.9 All SVCA-owned indoor facilities are designated as non-smoking areas, with no exception.

1.9.1 All SVCA owned vehicles with the exception of golf carts are non-smoking vehicles.

1.10 Signs placed on platted lots, condo and commercial tracts must comply with Architectural Control Guidelines. (See Section 15)

1.11 Disorderly House, Property, Vehicle, or Conduct Rule

1.11.1 Purpose – The purpose of this rule is to protect the health, safety, welfare, and/or tranquility of the residents of Sudden Valley, or any portion thereof, by requiring:

(a) The elimination, removal, restoration, or repair of houses, structures, property or vehicles which are deemed by the Sudden Valley Community Association to be unsightly, unkempt or cluttered with refuse, trash, debris, or otherwise unacceptable items;

(b) The securing of unsecured property or structures that are left open to the uncontrolled entry of others that is deemed to be unsafe, a nuisance, or inappropriate under the circumstances;

(c) The removal of vehicles that are abandoned, unsightly and open to public view, in a state of disrepair, or that are disabled for an unreasonable period;

(d) The termination of activities, behaviors, actions or acts that are unreasonably loud, obnoxious, unruly, offensive, or disruptive to the public peace and/or safety, or that are inconsistent with the health, safety, order, or peaceful enjoyment of neighbors or residents, or the Sudden Valley Community.

1.11.2 Correction or Abatement Required – Any property owner, or other person in control or possession of a house, structure, property or vehicle, who:

(a) Maintains, permits, allows, or suffers property, structures, or vehicles that are deemed to be unsightly, unkempt, cluttered, in a state of disrepair, or to be a nuisance shall correct or abate such unacceptable condition(s) without unreasonable delay, upon notification of such violation and the requirement to abate it, when given by a representative of the Sudden Valley Community Association. Such correction or abatement may include removal, acceptable storage, renovation, repair, or any other method of correction or abatement that is acceptable to the Sudden Valley Community Association.

(b) Engages in, permits, allows, or suffers activity, behavior, action, or acts that are unreasonably loud, obnoxious, unruly, or disruptive to the peace, tranquility, or that are inconsistent with the health, safety, order, or peaceful enjoyment of neighbors, residents or the Sudden Valley Community, shall terminate, correct, or abate such unacceptable activity, behavior, action, or act without unreasonable delay upon notification of such violation and the requirement to terminate the same, when given by a representative of the Sudden Valley Community Association. Such response shall include the immediate termination of the unacceptable activity, behavior, action or acts.

1.11.3 Timely Response – Abatement shall, in all instances, begin at the earliest possible opportunity, but shall be completed in a timeframe that is acceptable to the Sudden Valley Community Association.

(a) Corrective or abatement action to houses, structures or property must begin within five ( $\leq 5$ ) calendar days of notification, and be fully completed within thirty ( $\leq 30$ ) days of notification to the property owner or person in control or possession of the property.

(b) Vehicle-related violations must be initiated within forty-eight ( $\leq 48$ ) hours and be completely abated within five ( $\leq 5$ ) days of notification.

(c) Disruptive or unsafe conduct, behavior, or acts shall be terminated immediately, without delay, or as soon as is reasonably possible, at the discretion of the Sudden Valley Community Association.

1.11.4 Penalty for Violation – Any violation of this Rule shall subject the violator to a penalty of:

(a) For property or vehicle related violations, a notice of violation in the amount of \$100 per day shall be assessed for the first (1<sup>st</sup>) ten (10) days for failure to initiate responsive action, or to complete the corrective or abatement action once initiated. The penalty shall increase to \$200 per day for the second (2<sup>nd</sup>) ten (10) days that timely action is not taken, and shall increase to \$300 per day for the third (3<sup>rd</sup>) ten (10) days and until the violation is fully abated.

(1) The implementation of penalties may be delayed for a period up to ten ( $\leq 10$ ) days by the General Manager, or his/her designee, upon a showing of a substantial effort to comply with the corrective or necessary action orders for houses or structures, or five ( $\leq 5$ ) days for vehicles, starting the day following the final date by which corrective action was to have been completed.

(b) For behavior, conduct, or act related violations, a notice of violation in the amount of \$100 shall be assessed for the first (1<sup>st</sup>) violation upon discovery or report. The penalty shall increase to \$200 for repeated violations on the same day or within forty-eight ( $\leq 48$ ) hours. The penalty shall increase to \$500 per violation after the receipt or discovery of five or more (5+) similar violations.

(1) The initial penalty shall begin after a warning of violation has been delivered to the property owner, or other person at the location of the violation, and where the unacceptable behavior, conduct, act(s) or action(s) has not ceased within a reasonable period. A reasonable period shall generally be at least fifteen (15+) minutes. Subsequent violations shall be actionable where the unacceptable conduct continues after one (1) hour following the first (1<sup>st</sup>) penalty is assessed, reoccurs within a specific time period or after a minimum of one (1+) hour.

1.11.5 Administrative Relief – Discretion – The Sudden Valley Community Association, in the person of the General Manager, or his/her designee may, at his/her discretion, extend the abatement time period or grace periods as circumstances warrant, and may suspend penalties or portions thereof, upon a showing of good cause by the property owner that such suspension is reasonable and warranted.

1.11.6 Appeals – Appeals of Violations of this Rule shall be addressed to the Appeals Committee of the Sudden Valley Community Association.

1.11.7 Legal Action – The General Manager shall be authorized to pursue such legal remedies as may be necessary for the full and effective enforcement of these rules for persistent or unresponsive violators, including nonmembers.

## **2. Use and Maintenance of Separately Owned Property:**

2.1 Each property owner shall maintain his/her property in clean condition, free of trash, unused building materials, combustible brush and materials that would tend to attract vermin or rodents and other debris.

2.1.1 The property owner(s) shall be responsible for the removal and clean up of dead or hazardous trees, brush or limbs on his/her property.

2.1.2 Lots and common areas shall be kept clear of rubbish, trash, garbage, brush piles, vermin or rodent attracting materials and other waste. Such items must be disposed of properly.

2.1.3 Owners will be notified when a situation pertaining to either of the above needs their immediate attention. Where no action has been taken after fifteen (15) days following notification of the owner (twenty-four (24) hours in the event of a potential physical or health hazard), SVCA may arrange, perform or contract any work necessary to correct a violation of this section, whereupon the owner shall be billed for the expense.

2.1.4 The owner(s) will be given a second (2<sup>nd</sup>) notice of violation before clean up work is commenced by Sudden Valley. In the event that the violation is not cured by the owner after the second (2<sup>nd</sup>) notice, the owner(s) will be subject to a penalty of \$250 for the first (1<sup>st</sup>) offense and \$500 for a subsequent offense.

2.1.5 Sanitary Services Required for All Developed Property – All occupied residential structures within Sudden Valley shall be required to subscribe to residential sanitary services for the regular collection and removal of household refuse, garbage, or trash during periods where the residence is occupied for more than thirty (30+) days. Disposing of household trash, garbage, or recycling materials through other than acceptable methods will result in a fine assessment and possible criminal charges for littering, unlawful dumping, or theft of services.

(a) Exceptions – Persons who do not subscribe to sanitary services and who reside in a residence for more than thirty (+30) days may request an exemption from the SVCA General Manager if they are able to prove they have another acceptable method of disposing of all residential refuse. The General Manager or designee may, at his/her discretion, grant or refuse to grant such a request based on the information provided.

(b) Failing to Dispose of Refuse Properly – Failure to properly dispose of household refuse, garbage or trash in a timely manner is prohibited. Storing such materials for more than thirty (+30) days in or around a residence or in a garage, other building or vehicle, or dumping the same on the property of the residence or that of another or on Association property is prohibited and subject to a fine assessment.

(c) Storing Refuse – Storing household refuse that is equal to more than two (+2) thirty-gallon (30 gal.) containers of four (4) large plastic bags is prohibited and shall be deemed to be a violation of this rule, unless the responsible homeowner or renter is able to provide reasonable evidence demonstrating that the amount of refuse stored is not more than would accumulate over a period of two (2) weeks.

(d) Theft of Sanitary Services – Placing any residential, commercial, or construction materials, trash, or refuse in a trash can, recycling receptacle, or dumpster of the Association or of another person or entity, without the permission of the owner of said container is prohibited and shall be subject to a fine assessment by the Association and additionally may result in criminal charges.

(e) Household Trash in Recycling Bins – Placing household, commercial, or construction refuse or anything other than specifically acceptable recyclable materials in recycling bins is prohibited and subject to a fine assessment and possible criminal charges.

(f) Maintenance/Storage of Trash and Recycling Receptacles – Trash and recycling cans, receptacles, boxes, and containers must be removed from the street and stored in accordance with ACC Guideline 14.11.5, except for a twenty-four (24) hour period before normal trash pick-ups or a twenty-four (24) hour period following trash pick-ups.

2.2 Per Restrictive Covenant No. 3, only Single Family Detached Dwellings shall be permitted on property so designated by the Covenants pertaining to each subdivision.

2.2.1 Properties found to be in violation of the Restrictive Covenant or SVCA Bylaws - Article VI, Section 7 (duplexes, excessive number of unrelated occupants) - shall be subject to fines and/or legal action on behalf of the Association to enforce the Covenant and Bylaws.

2.2.2 No person shall live in any hut, trailer, partially constructed dwelling or any other shelter, which has not been approved by the ACC as living space.

2.2.3 No structure of temporary character, trailer, mobile or manufactured home, basement, tent, shack, garage nor any outbuildings shall be used on any lot or common area as a residence.

2.3 Utility or recreational vehicles, boats, any type of utility or recreational trailer, motor homes or detached campers, or any other vehicles used principally for recreation purposes, shall not be stored or parked outside of an approved garage, carport or other appropriately screened area on any residential property for longer than seventy-two ( $\leq 72$ ) hours, and such parking is allowed only by permit issued by SVCA Security or Member Services.

2.3.1 In addition to the above, unlicensed or inoperable vehicles of any type must be garaged or parked out of view under cover approved by the ACC. The seventy-two (72) hour parking permit also is applicable when, by necessity, these types of vehicles must be parked outside of an approved screened or covered area.

2.4 Camping on any property in Sudden Valley is prohibited, except for the Campground.

2.5 Unless otherwise provided for, delivery of US Mail to Sudden Valley residents shall be accomplished through the use of centrally located banks of individually locked mailboxes.

2.6 It shall be the responsibility of each property owner to ensure that the Association records reflect their current mailing or billing address, telephone number and emergency contact information. (See Appendix L for fines.)

2.7 Members of SVCA who rent or lease their property must provide or cause to be provided to the Association information on their tenants pertaining to the total number of occupants, their names, mailing address, and emergency contact number. If the property is managed by a licensed agent, the name, address, and phone number of such agency also must be provided. (See Appendix L for fines)

### **3. Use of the Roads:**

3.1 The Motor Vehicle Laws of the State of Washington shall apply to the roads of Sudden Valley.

3.1.1 Maximum speed shall not exceed twenty-five ( $\leq 25$ ) miles per hour and may be less where posted.

3.2 Motorbikes and all-terrain vehicles are restricted to paved roads, are to be used for transportation only, and must be licensed.

3.3 Unattended parking on paved roads or on shoulders where any part of the vehicle projects into a traffic lane is prohibited.



3.3.1 Vehicles parked in violation of the above, or in designated emergency vehicle lanes or handicap access spaces may be towed away at the owner's expense.

3.3.2 Unlicensed or inoperable vehicles parked on SVCA owned property will be towed away, whereupon the owner shall be billed for the expense. (See section 2.3.1)

3.4 Any person found driving in a reckless manner or exceeding speed limits within Sudden Valley may, in addition to the penalties listed in Appendix L, Traffic and Vehicles, be denied the privilege of driving any vehicle within Sudden Valley.

3.4.1 Employees, contractors, delivery drivers, visitors, and all other users of Sudden Valley roads are subject to these rules, and the penalties for violation of such rules and regulations will be billed to the responsible property owner.

3.5 All persons using SVCA roads do so at their own risk, and the Association will not be responsible for any delays, breakdowns, damage to personal property, or personal injury occurring on said roads.

3.6 Sudden Valley roads are subject to weight limitations upon any or all stretches whenever or wherever weather or deteriorating road conditions require restriction or exclusion of heavy vehicles.

3.7 Except in emergencies affecting life, health, or essential utility function, SVCA must be advised at least twenty-four (24+) hours in advance of any complete road blockage exceeding fifteen (+15) minutes duration.

3.7.1 Wherever partial or complete blockage occurs, traffic control flaggers, signs or adequate safety devices shall be employed to sufficiently warn oncoming traffic of the blockage or detour. Such devices or methods must meet Federal, State, and local workplace safety standards.

3.7.2 Safety violations may be subject to SVCA Notice of Violation and reporting to appropriate government agencies.

3.7.3. Drivers who ignore warning signs, or who in any way endanger work crews, are subject to Notice of Violation and reporting to the County Sheriff for possible further action.

#### **4. Use Fee Program: (Contact Administration)**

#### **5. Use of Association Property:**

5.1 Use of SVCA common property, i.e. parks, greenbelts, beaches, open spaces, roadways, and all other property belonging to SVCA as depicted on plats and official maps, such use consisting of member constructed pathways, fences, bulkheads, parking areas, or any other private use of SVCA property made by members outside the platted boundaries of their lot or parcel, shall be with SVCA's consent, but which consent may be modified or revoked at any time.

5.1.1 Individuals or groups who engage in hazardous or destructive, or potentially hazardous or destructive activities in Sudden Valley will be required to leave immediately.

5.2 Individuals who, in the opinion of SVCA staff, are incapable of reasonable control of their actions due to drug or alcohol intoxication are prohibited from entering or remaining in any facility/amenity of SVCA.

5.2.1 Following infraction or repeated violation of the rules, SVCA staff may restrict the individual's/group's use of the facility/amenity, or where actions are judged by staff to be malicious, the individual(s) may be asked to leave and not return to the facility/amenity for a period of time that is reflective of the severity of the violation.

5.3 Illegal use or possession of a state or federally controlled substance within Sudden Valley is strictly prohibited.

5.3.1 Consumption of alcoholic beverages in certain SVCA facilities is allowed subject to state liquor laws.

5.4 Use of profanity or obscene language is prohibited.

5.5 Special scheduled events have priority over regular activities.

5.6 Hours of operations and specific regulations affecting facilities will be as posted, and will form an integral part of these rules. (See Section 11, Rental of Facilities)

5.7 All injuries and/or accidents involving facilities or amenities of SVCA must be reported to SVCA Security or a member of the SVCA staff within twenty-four ( $\leq 24$ ) hours. (See Section 3.5 and 3.6)

## **5.8 Adult Center Rules:**

5.8.1 No one under twenty-one ( $< 21$ ) years of age is allowed inside the Adult Center or the Adult Center pool area, except during an authorized facility rental event or Association event with appropriate adult supervision, during which they may be permitted to attend said event inside the facility and onto patio and lawn, but may not use the pool or access the immediate pool apron area, except as authorized by the Board.

5.8.2 Breakable glass objects are strictly prohibited outside in proximity to the building and pool area specifically.

5.8.3 All swimmers must shower before entering the pool.

5.8.4 Persons having skin lesions, sores or inflamed eyes, mouth, nose or ear discharges, or who carry any communicable disease, shall not use the pool.

5.8.5 Urinating, expectorating, blowing the nose, or depositing any foreign matter in the pool is prohibited.

5.8.6 Tobacco, food (including gum), and drinks are prohibited within ten ( $\leq 10$ ) feet of the pool.

5.8.7 Appropriate swim attire is required. Cut-offs are not allowed in the pool.

5.8.8 No running, pushing or horseplay is allowed in the pool area.

5.8.9 Regulations necessary to advise users of safety and sanitation restrictions will be prominently posted.

**5.9 Adult Center Pool:** Use at your own risk.

**5.10 Main swimming pool:**

5.10.1 Sections 5.8.3 to 5.8.9 also apply to the main pool.

5.10.2 Glass items of any kind are expressly prohibited.

5.10.3 Use of fins, masks, snorkels, or any toys must be authorized by the lifeguard on duty.

5.10.4 Lifeguards may request individuals to prove their swimming ability. Lifeguards may restrict use of the pool by non-swimmers.

5.10.5 Children under eight (<8) years of age must be accompanied by an adult. Children eight to twelve (8-12) years old must be accompanied by an adult unless proven evidence of swimming ability is established.

5.10.6 The lifeguard is in charge at all times.

5.10.7 Pool use will be limited to a safe number as determined by the lifeguard on duty.

**5.11 The Recreation Center:**

5.11.1 The Recreation Center shall be an indoor, family-oriented activity center.

5.11.2 After 9 PM, all children younger than ten (<10) years of age must be supervised by a parent or other responsible adult.

**5.12 Golf Course:**

5.12.1 Sudden Valley Golf Course is a privately owned golf course operated by the Sudden Valley Community Association.

5.12.2 Dress Code: All golfers must wear appropriate golfing attire. Final decision in determining dress code compliance lays with the golf professional and his/her staff.

(a) Male golfers must wear shirt with sleeves - collars optional, tailored pants or shorts.

(b) Female golfers must wear shirts with sleeves or a collar, tailored pants, skirts, or shorts.

5.12.3 Washington State Liquor Laws require that only liquor purchased from the license holder in Sudden Valley is allowable on the golf course and in the Clubhouse. Any other liquor must be confiscated.

5.12.4 Trespassing is not permitted. This rule exists for the safety of non-golfers as well as the enjoyment of golfers. Trespassers with golf equipment will be charged the prevailing 18-hole rate and

removed from the course. Violators refusing to pay will be charged with theft of services and referred to Whatcom County for prosecution.

## **6. Pet Regulations:**

6.1 Sudden Valley has been declared a dog control zone, and these regulations are supplementary to those of Whatcom County.

6.2 Dogs are to be UNDER CONTROL at all times.

6.2.1. UNDER CONTROL means in the house or approved kennel, restrained by means of invisible (electronic) fences, or on a leash or chain not longer than fifteen ( $\leq 15$ ) feet, suitable for the animal's size and weight.

6.2.2. Any dog found roaming or not under control according to these or Whatcom County's regulations may be impounded and turned over to the Whatcom County Contractor. (Currently SSP)

6.3 Residents may keep no more than two pets of any kind, and at no time shall the owner or resident be permitted to use his residence to breed such animals commercially.

6.4 Residents who allow their dog to roam and/or bark and thereby disturb their neighbors may be subject to Notice of Violation. (See Appendix L)

6.5 Notwithstanding the above, all Sudden Valley residents shall abide by the Whatcom County Dog Control Ordinance/and any other ordinances, covenants or regulations concerned with keeping animals in a residentially zoned area.

### 6.6 Nuisance Dog Violations

6.6.1 Dogs May Be Declared a Nuisance – The purpose of this rule is to provide for the effective control or permanent exclusion of dogs that are the subject of repeated violations of Sudden Valley Community Association (SVCA) rules. Certain dogs may be declared a nuisance and subject to permanent exclusion.

(a) Dogs At Large – Dogs that run-at-large without the immediate and direct control of an owner or responsible person, or who are beyond the effective control of their owner or caretaker shall be deemed to be a nuisance where the dog is found to be at large three or more (3+) times in a ninety ( $\leq 90$ ) day period.

(b) Dangerous Dogs – Dogs that attack people, other domestic or wild animals, attack without provocation or warning, or that have been designated as dangerous by animal control authorities, shall be deemed to be dangerous and subject to being declared a nuisance dog. A single (1) incident may be sufficient for such a declaration where public safety warrants such action and declaration.

(c) Uncontrollable Dogs – Dogs that bark, whine, howl for unreasonable periods, or at unusual hours or who engage in activity that is disruptive or harmful to neighbors or others

who have a reasonable expectation of peaceful enjoyment of their property or area, shall be deemed to be a nuisance where the dog has been found to be in violation of this section three or more (3+) times in a ninety ( $\leq 90$ ) day period, and where such offensive behavior has been documented by SVCA Security, with notice to the owner, residence or person in possession or control of the dog.

(d) Declaration of Nuisance Dogs – The General Manager may, at his/her discretion, declare any dog to be a nuisance after three or more (3+) repeated violations of the previous three (3) subsections within a ninety ( $\leq 90$ ) day period and that were documented by Security. Dogs that are declared to be a nuisance shall be subject to special control restrictions to effectively control unacceptable behavior or permanent exclusion for the Community.

6.6.2 Correction or Abatement Required – Any person who owns or controls or is responsible for the care and/or supervision of a dog that is declared a nuisance, shall be required to take such action as may be necessary to terminate the condition(s) that result in the nuisance declaration without delay. Terminating the nuisance condition(s) may be accomplished in any reasonable and appropriate manner that results in the elimination of the offending behavior or removing the dog from the area or community as may be required or necessary.

6.6.3 Exclusion of Nuisance Dog from Community – Any person who owns or controls or is responsible for the care and/or supervision of a dog that is declared a nuisance may be required to permanently remove the same from the Community upon the receipt of an Administrative Exclusion Notice issued under the authority of the General Manager.

(a) Non Members Bringing Nuisance Dogs into Community – Any non member, such as construction or service workers, or guests, who brings a dog into the Community and allows the dog to run-at-large off of leash or to threaten, intimidate, or attack other dogs or people, shall be subject to exclusion by a Security Officer responding to a report of such violation, where the officer witnesses the violation or is provided substantive information by a person who personally witnessed the offensive behavior. Such dogs may be excluded from the Community after one violation upon written notice given to the person in control of the dog at the time of the violation and/or contact. Failure to abide by the exclusion will subject the person in control of the dog to a trespass violation, barring them from returning to the Community without written permission of the Association.

6.6.4 Penalty for Violation – Any violation of this Rule shall subject the violator to a penalty as follows:

(a) Harboring a Nuisance Dog – For keeping, harboring or possessing a dog that has been declared a nuisance, without terminating the offending behavior, for more than five (+5) days after receiving an Administrative Nuisance Notice from the SVCA shall subject the owner or person in custody or control of the animal to a fine assessment of \$100 per day until such time that the offensive behavior is terminated or the animal is removed from the Community.

(b) Failure to Remove a Nuisance Dog – For failing to remove a dog that has been declared a nuisance from the Community within five ( $\leq 5$ ) days after receiving an Administrative Exclusion Notice from the SVCA shall subject the owner, possessor, or guardian of the dog to a fine assessment of \$100 per day until such time as the dog is removed from the Community.

6.6.5 Returning the Dog to the Community – No dog that has been declared a nuisance and/or ordered to be excluded and removed from the Community may be brought back to the Community for any reason without the written permission of the Sudden Valley Community Association.

6.6.6 Administrative Relief – Discretion – The Sudden Valley Community Association, in the person of the General Manager, or his/her designee may, at his/her discretion, extend the abatement time period or grace periods as circumstances warrant, and may suspend penalties of portions thereof, upon a showing of good cause for such relief by the owner of a dog where such relief is deemed to be reasonable and warranted at the discretion of the General Manager or his/her designee.

6.6.7 Appeals – Appeals of Violations of this Rule or of an Administrative Order to eliminate offensive behavior or remove a dog from the Community shall be addressed to the Appeals Committee of the Sudden Valley Community Association.

6.6.8 Legal Action – The General Manager shall be authorized to pursue such legal remedies as may be necessary for the full and effective enforcement of these rules, including action in cases involving persistent or unresponsive violators, and including nonmembers, in accordance with applicable SVCA policy.

## **7. Campground Property Regulations:**

7.1 The Sudden Valley Campground property is for use by Sudden Valley Community Association members and their guests.

7.2 Section 6 concerning pet regulations also shall apply to the Campground property. Dog owners must promptly and properly dispose of pet waste.

7.3 The Campground property shall be closed during hours of darkness (sunset to sunrise).

7.4 All fires and/or burning is prohibited on Campground property.

7.5 Cutting or picking of vegetation, including trees, stumps, windfalls, flowers and plants is prohibited.

7.6 No motor vehicles are allowed within the Campground property without prior approval of the General Manager.

## **8. Lakes and Streams:**

8.1 Fishing is permitted only in Lake Louise and in Lake Whatcom, and in accordance with State regulations.

8.1.1 Stream fishing is not permitted in Sudden Valley.

8.1.2 All persons fifteen (15+) years of age and over are required to carry a valid State of Washington fishing license on their person while fishing.

8.1.3 Fish may not be cleaned in any lake, pond or stream within Sudden Valley.

8.2 Gasoline-powered motors (except for emergency equipment) are not permitted on Lake Louise nor inside the enclosed areas at Morning and Afternoon Beaches.

8.3 Persons under twelve (<12) years of age may not use a water craft within SVCA-controlled waters unless accompanied by a responsible person over twelve (12+) years of age.

8.3.1 Swimming in Lake Louise shall be at the individual's own risk as there are neither designated swimming areas nor lifeguards.

8.3.2 SVCA canoes are limited to three ( $\leq 3$ ) persons per canoe.

8.3.3 Life jackets must be worn by all boaters when using SVCA boats or canoes.

8.4 The use of Association-controlled Lake Whatcom shoreline shall be designated as follows:

8.4.1 Ski watercraft must observe the Whatcom County boating regulations for Lake Whatcom.

8.4.2 Afternoon Beach (PM Beach) is designated a non-power watercraft area by Whatcom County Ordinance.

8.4.3 No watercraft of any kind shall be allowed in the roped swimming area at Morning Beach (AM Beach).

8.4.4 Anchoring or storing any watercraft on SVCA controlled waters or parks, other than in SVCA designated areas, is prohibited.

8.4.5 All watercraft must be licensed in accordance with State and US Coast Guard regulations and operated in accordance with Whatcom County and State of Washington boating ordinances.

8.4.6 No trailered watercraft is permitted at Morning or Afternoon Beach.

## **9. Tennis Courts:**

9.1 Wearing "street shoes" is not allowed on the courts.

9.2 Glass containers are prohibited on the courts.

9.3 The tennis courts are to be used only to play tennis, i.e. skating, bicycles, and pets are prohibited inside the tennis courts.

9.4 Spectators and persons waiting to play should remain outside the fenced area.

9.5 Special events take priority over general use, but only during the times posted for the event.

9.6 Playing tennis takes priority over use of the basketball backboard.

9.7 The courts may be subject to seasonal scheduling limitations through a reservation system administered by the Recreation Department.

9.8 Players shall be responsible for ensuring that they or their spectators do not interfere with groups playing on the adjacent court.

## **10. Use of the Marina:**

10.1 *Supervision and Enforcement:* All boat owners or boat operators entering the Marina area shall comply promptly with any instructions issued by the SVCA staff with respect to the movement or moorage of their boats.

10.1.1. Boaters who do not comply with SVCA staff instructions shall be required to remove their boat immediately from the Marina. Members of SVCA are responsible for the actions of their guests. (Rules and Regulations, Section 1.1)

10.1.2. Non-members of SVCA who are entitled to use the Marina facilities or members who do not have moorage contracts are bound by these Regulations. They should obtain a copy of the Regulations when they use the facility. These Regulations shall be posted in a prominent place at the Marina.

10.1.3. Boats may be moved by the SVCA with or without the consent of the owner if such boats are maintained in the Marina contrary to the moorage agreement or these regulations, or if the boat prevents proper utilization of the facility.

10.2 *Termination of Moorage:* Members terminating moorage prior to the normal yearly expiration must give the SVCA thirty (30+) days advance notice. Moorage will be charged until the date such notice is received by SVCA. No refunds after May 1<sup>st</sup>.

10.2.1. The SVCA reserves the right to terminate or refuse moorage to any person or boat for violation of rules, regulations or safety factors.

10.3 Floats and berths must be kept clear and clean at all times.

10.3.1 Sewage and refuse shall not be discharged into the lake under any circumstances.

10.3.2 All refuse shall be placed in proper containers.

10.3.3 Tattered, torn and trailing tarps will be removed by SVCA.

10.4 Boats must be moored securely with at least three (3+) lines (bow, stem, fore spring). Lines shall be of good quality and condition and shall be tied to securely hold the boat. No lines shall cross walkways.

10.5 *Rules of the Road:* Speed limit within the Marina is five ( $\leq 5$ ) mph. US Inland Rules of the Road shall apply.

10.6 *SVCA Responsibilities and Liability:* The SVCA shall not be held liable in any manner for the safekeeping or condition of the boats, equipment, or personal property and is not responsible therefore as a warehouse.



10.6.1 Any boat which, in the opinion of the SVCA, is in danger of sinking or is a hazard to other vessels or the premises may be removed at the sole expense and risk of the owner and without liability on behalf of the SVCA or its agent or employees.

10.6.2 Should SVCA be obliged to render salvage services to any boat, the costs thereof shall be for the account of the boat's owner. SVCA is not responsible or liable for any damage to or loss of said boat, its tackle, gear, equipment or property, either upon said boat or upon the premises of the Marina adjacent thereto.

10.7 *Damage, Loss and Personal Injury*: Should damage and/or personal injury result from violation of these Regulations, the members responsible shall be held liable.

10.7.1 Should any damage, other than normal wear and tear, be done to any float structures by a boat or boat operator the responsible member shall be held liable.

10.7.2 Each tenant of the Marina agrees to indemnify and save the SVCA harmless from loss or damage to personal property by fire, theft, or from any cause whatsoever, and to indemnify and save the SVCA harmless from any and all liability for injury to, or death of any person or persons, or loss or damage to any property caused or occasioned by or arising out of the use of the Marina facilities.

10.8. No accessories or other attachments shall be affixed to Marina structures without prior approval of SVCA.

10.8.1. The facilities of the Marina are provided for the prime purpose of boat moorage and services related thereto. No provision is made for, nor right granted, to tenants to use their boats as domicile when said boats are moored within the marina.

10.9. *Marina Moorage Agreement*: Signature of owner on the application for moorage shall constitute applicant's admission of his familiarity with these Regulations and his/her agreement to comply with same.

10.9.1 Users of the marina will be required to provide *evidence* proof of watercraft liability insurance or *homeowner's endorsement* to SVCA prior to being permitted to use the Marina facilities.

10.9.2 A copy of the boat's current registration must be presented to register a boat.

10.9.3 Marina fees are for the calendar year. Partial fees will not be refunded to boaters who lose moorage rights for failing to comply with these Rules and Regulations.

10.9.4 Each boat and trailer using wet moorage and dry storage must have a current numbered sticker attached for identification purposes.

10.9.5. Marina usage fees are set annually by the SVCA Board. Acceptance of this agreement renders the user liable for payment of such fees forthwith upon receipt of written notification, or within thirty ( $\leq 30$ ) days of publication in the *Sudden Valley Views*. Payments are delinquent if not received within thirty ( $\leq 30$ ) days of the due date, and the boat may be removed from the Marina and impounded without further notice.

10.9.6 Subleasing or allowing overnight use of a moorage slip by other members or non-members is prohibited, except by SVCA.

10.9.7 Lessees wishing to trade slips with others or make special arrangements must have approval from SVCA.

## **11. Rental of SVCA Facilities:**

11.1 SVCA facilities are available for group reservations and rental according to the established policies as specified herein.

11.2 SVCA facilities available for rent are: Adult Center, Main Swimming Pool, Tennis Courts, Rotunda, Dance Barn, Picnic Shelters, Ball Fields, and Recreation Barns. Reservations are made through the Administration Department.

11.3 Marina ball field and the main ball field may not be rented at the same time.

11.4 The Marina picnic shelter and the Afternoon Beach picnic shelter may not be rented at the same time.

11.5 Applicant agrees to leave a facility in the same or better conditions as when accepted, and further agrees that the facility is provided as is, and that there are no warranties, either expressed or implied, as to the fitness of the facility or any equipment therein for any particular intended use.

11.6 Lessee shall agree that neither the SVCA nor any of its agents or employees shall be held responsible for any loss, harm, or damage suffered by him/her selves or others as a result of the rental and/or use of the facilities.

11.7 A list of non-Association members who will be in attendance may be requested by staff and required to be filed prior to application approval.

11.8 Individuals or groups that fail to abide by SVCA rules, regulations or policies may be asked to leave the facilities immediately, without rental fee refund. In addition, they may lose future facility reservations and/or use privileges.

11.9 Unless otherwise pre-arranged, rental facilities must be vacated by 12:00 midnight.

11.10 The Lessee and/or their guests who serve or provide their own alcohol at the activity must secure a Banquet Permit (available from the nearest Washington State liquor store) and file same with the Association office. Acceptance of the permit is discretionary with the SVCA manager or his/her designee.

11.11 Rental terms may, in certain instances, require that the group purchase any alcoholic beverages from the license holder in Sudden Valley, in which case lessee will not have to secure the permit.

11.12 Rental terms may entitle exclusive/private use of the following facilities: Rotunda, Dance Barn, Ball field, Main Pool, and Picnic Shelters.

11.13 Members of SVCA in good standing may use any facility during posted hours.

11.14 Where two or more (2+) reservation requests are received simultaneously (on the same day) for the same facility, property owner requests for use shall be given priority over non-property owners.

11.15 Specific facility regulations will be provided with rental contract.

## **12. Finances:**

12.1 All monies paid to the Association shall be in the US funds.

12.2. All dues and assessments, fines, penalties or charge levied pursuant to the Articles of Incorporation, Covenants, Bylaws or Rules and Regulations are delinquent if not paid within thirty ( $\leq 30$ ) days of the assessment due date.

12.2.1 Interest will be charged on all delinquent accounts.

12.2.2 A lien will be placed on a member's property when his/her account becomes delinquent.

12.2.3. Other collection procedures, such as foreclosure, will be undertaken following a Board of Directors approved process.