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# RULES AND REGULATIONS

*as amended November 2022*



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## INTRODUCTION

This *Rules and Regulations* document is one of the official governing documents of Saw Creek Estates Community Association, Inc. (SCE). It is intended to describe and simplify rules and regulations governing the conduct of individuals within the community and applies to all members, residents and their guests. This document is not intended to preempt any existing federal, state or local law. In the event of a conflict between this document and any federal, state or local law, the more restrictive requirement shall apply.

Be sure to read this document thoroughly before purchasing a new home or for up-to-date regulations. Periodic amendments may be made to this document. The effective date of such amendments shall be thirty (30) days after the adoption by the SCE Board of Directors unless another date is specified in the amendment.

## ADDITIONAL RULES, REGULATIONS AND STANDARDS

This *Rules and Regulations* document applies primarily to the conduct of individuals within the community. Additional rules, regulations and standards governing the construction, use, maintenance and appearance of individual properties (units) may be found in the *Guide for Construction, Architectural and Aesthetic Standards*.

## RULE MAKING AUTHORITY

The Articles of Incorporation, Declaration and Bylaws of Saw Creek Estates empower the Board of Directors to establish and enforce the rules and regulations of the community and to assess fines or penalties for violations. When no amount is specified for particular violation of SCE Rules and Regulations, the fine assessed will be a *Tier 2 Citation*. SCE members are financially responsible for indebtedness to the Association incurred by themselves, their children, their guests, their renters, contractors and other invitees, and further shall be held responsible for correcting any damage to SCE property caused by themselves, their children, their guests, their renters, contractors and other invitees. SCE traffic rules, PA State Laws, and PA State Liquor Laws are strictly enforced. It is important to note that enforcement of these regulations can be upheld in a court of law.

## LIMITS OF AUTHORITY

Saw Creek Estates Community Association, Inc. is a planned community operated in accordance with the Pennsylvania Uniform Planned Communities Act. Generally, the rule making, and enforcement authority of the Association applies to common areas and amenities owned or controlled by the Association and to the regulation of architectural and aesthetic standards for individual units. Individual units are and remain the private property of their respective owners who are members of

the Association. All persons within the community must respect the rights of others and refrain from trespassing or otherwise infringing upon the private property rights of unit owners.

## **SECTION I. IMPORTANT DEFINITIONS**

**AMENITY ACCESS FOB:** A plastic, numbered identification fob issued to members or individuals authorized by the member, and only issued to members in “Good Standing.” Amenity access fobs will remain active for all members in “Good Standing”. **Amended January 2022**

**APPROVED:** Approval by the municipal authorities having jurisdiction in a given matter or by Saw Creek Estates Community Association, Inc., (SCE) as the result of their review, investigation, or testing.

**ASSOCIATION (SCE):** Saw Creek Estates Community Association Inc., its successors, and assigns, acting through its Board of Directors, Committees, Officers or Employees, as the case may require.

**BOARD OF DIRECTORS (BOD):** The Board of Directors of the Association is an elected body of community owners who volunteer.

**BUILDING:** Any single-family dwelling/structure having permanent roof and walls and that is intended for shelter, housing or enclosure of persons, animals, vehicles, equipment, or materials and that has a total square footage greater than 144 square feet. Any structure involving a permanent roof (such as covered porch) that is attached to a principal building shall be considered to be part of that principal building.

**BUSES:** Defined as a road vehicle to carry passengers.

**BYLAWS:** Community document adopted by the membership, which outlines the duties and obligations of the Board and membership.

**COMMERCIAL VEHICLE:** Any Motor Vehicles that:

- a. Bears a commercial license plate issued by any State; or exhibits ladders, racks, and/or other equipment or machinery used in conjunction with a business enterprise; or
- b. Bears the name, telephone number(s), street address, e-mail address, website, logo, advertisement, or any other information regarding a person and/or business entity which information promotes or otherwise advertises a product and/or service. **Amended April 2021**

**PHYSICAL HARASSMENT:** Intentional acting in a way that would make a reasonable person afraid for his or her safety; a credible threat of violence

**COMMUNITY:** The planned community known as Saw Creek Estates located in Lehman Township, Pike County, and Middle Smithfield Township, Monroe County, Pennsylvania, which includes Mill Pond Townhouses and plotted Sections 1 through 37.

**CONSTRUCTION:** The act of clearing, scrubbing, or excavating for building, fabricating, physically changing or modifying any home, structure, or accessory building.

**CONTRACTOR:** Any person or entity engaged in the construction, repair or modification of land, structures, or other real property, within the confines of Saw Creek Estates. A property owner(s) who engage(s) in such construction, repair or modification on his/her own property or property owned by others is also defined as a contractor with respect to the requirements of this document.

**DECLARATION OF COVENANTS AND RESTRICTIONS:** The applicable Declaration of Covenants, conditions and restrictions recorded in the office of Recorder of Deeds; typically used interchangeable with the word covenants.

**DECK:** Any exterior floor system structure supported on at least two opposing sides by an adjoining structure and/or posts, piers, or their independent supports.

**DISORDERLY CONDUCT:** Any activity or conduct that is considered undisciplined, unruly, or riotous.

**DWELLING:** Any house or residence designed or used exclusively as the home or sleeping place of one or more persons and as described in the Deed Restrictions.

**FRONT OF PROPERTY:** The portion of the property that faces the roadway. In instances where a structure is located on a corner lot, the "front of property" is listed as the deeded street address.

**GOVERNING DOCUMENTS:** Articles of Incorporation, Protective Covenants, Bylaws, Rules and Regulations and the Architectural Guide and policies established by the Board of Directors.

**HARASSMENT:** To subject a person to hostile or prejudicial remarks or actions in a repetitive manner.

**VERBAL HARASSMENT:** Verbal comments that are specifically designed to make a person feel degraded or intimidated.

**PHYSICAL HARASSMENT:** Intentional acting in a way that would make a reasonable person afraid for his or her safety; a credible threat of violence.

**IMMEDIATE FAMILY:** Spouse, brother or sister, parent, child, grandparent or grandchild, or a spouse of any of the named relatives.

**IN GOOD STANDING:** A lot owner or co-owner who is in compliance with the Covenants, Bylaws and Rules and Regulations, and who has paid all obligations owed to the Association. This shall include any member who is in compliance with a payment schedule agreed upon with the Association. A member who owns more than one lot, but has not paid dues on one of them, is not in good standing even if the other lots dues have been paid.

**LOT:** Any numbered residential lot or unit in the community owned by a member or held for sale to the general public.

Two or more adjoining lots, which have been legally merged with municipal approval into one lot, shall be treated as one lot for the purposes of voting, assessments and special assessments.

**IMPROVED LOT:** A lot on which a single-family dwelling has been constructed.

**UNIMPROVED LOT:** A lot on which no improvements have been constructed.

**MOBILE HOME:** Defined as a movable or portable dwelling built on a chassis, connected to utilities, designed without a permanent foundation, and intended for year-round living.

**OWNER:** Shall mean any and all owners of a residential lot in the Community.

**PERMIT:** Shall mean the authorization(s) to build, install sanitary systems, make improvements, etc., issued by all the appropriate governmental entities having jurisdiction or by SCE.

**RENTER/TENANT:** A person or persons who is/are renting or leasing a property at Saw Creek Estates, from a member or his agent for monetary remuneration where the member has completed the Tenant Registration Form and Hotel Occupancy Tax Certificate and paid the required fee.

**RESIDENTIAL:** Property intended to be or actually improved with a single-family dwelling unit and intended for use by one single-family.

**RULES AND REGULATIONS:** The body of Rules and Regulations for the community adopted and amended by the Board, pursuant to the authority granted to the Board by the Community Bylaws adopted April 22, 2000.

**SIGNAGE/FLAGS/BANNERS:** Anything imparting a message, written or symbolic, is considered to be a sign, including flags, banners, pennants, posters and in-ground signs.

**SINGLE FAMILY:** One or more persons related to each other by blood or marriage or domestic partnership, constituting an immediate family, all of who maintain one common household.

**TIERED OFFENSE / FINE / CITATION:** A financial penalty and/or amenity suspension imposed on a member for violation of the community's governing documents.

**VISITOR:** A person, other than the member (property owner), who has been authorized to enter Saw Creek Estates by a member, or a person who has been admitted through/by Public Safety for an appropriate reason.

## **SECTION II. COMMUNITY IDENTIFICATION PROCEDURES**

### **Rule A: Amenity Access**

1. Amenity Access Fobs – Six (6) fobs will be issued to the owner of record for each Saw Creek Estates property, provided that the member is in good standing. Amenity Access fobs will continue to active, as long as the member remains in "Good Standing" and a disclaimer is signed by the member. **Amended November 2022**

In the case where the owner of record is an individual, rather than a corporation or other entity, additional amenity access fobs can be obtained by providing documentation or other evidence acceptable to the Association showing that there are more than six (6) individuals normally living under the same roof during the

entire year. Only six (6) member amenity access fobs will be issued to owners of record that are corporations or entities other than an individual person or persons.

**Amended January 2022**

2. Guest Amenity Bands – Up to six (6) additional guest amenity bands are available for daily or weekly periods and may be purchased by members in good standing, subject to pricing, availability, and other limitations in effect at the time of purchase. Any amenity bands being requested for special events over the specified limits will require written prior approval from SCE Management. Guest amenity bands may be purchased by non-members only with prior approval of a member in good standing. All sales of Guest amenity bands are final - no refunds or replacements will be issued. **Amended January 2022**
3. Replacement Amenity Access Fobs – Replacement amenity access fobs may be obtained by members in good standing, subject to pricing, availability, or other limitations in effect at the time of replacement. All remaining amenity access fobs must be presented at the time of replacement. At no time will more than six (6) fobs to be active. **Amended January 2022**
4. All persons aged 6 years and above must present the amenity access fob to the attendant/reader to gain access into any amenity location, except for the Top of the World Restaurant. One patron per amenity access fob will be permitted. An amenity access fob/guest band must be presented upon request or patron may be denied access or may be subject to temporary loss amenity privileges, fines, or both. *Tier 2 Offense.* **Amended January 2022**
5. Property owners, tenants, and guests shall not relinquish or otherwise transfer their amenity access fob to anyone other than a member or guest of the same household. Except for household members, and registered guests' fobs cannot be willingly provided to a member not in "Good Standing." *Tier 2 Offense.* **Amended January 2022**

**Rule B: Gate/Gate Card Fees & Rules**

1. Owners shall be issued two (2) gate cards per household at no charge. **Amended June 2016**
2. Additional gate cards or replacement gate cards may be purchased subject to pricing availability, or other limitations in effect at the time of purchase. Gate cards may be purchased for immediate family members and caregivers at the member's request. The six (6) card maximum also includes cards issued to tenants residing at the specific property. Lost/stolen cards must be deactivated at time of replacement. **Amended January 2022**
3. Property owners, tenants and guests shall not relinquish or otherwise transfer their gate pass to anyone other than a member of the same household. With the exception of household members, transferring a gate pass to another person and

use of such pass by a person other than the one to whom the pass was originally issued (tailgating/piggybacking) constitutes a violation of the Rules and Regulations and is a *Tier 2 Offense*. **Amended August 2019**

4. All guests and deliveries must be registered with security gate upon entrance. All visitors entering through the gate will be required to provide proper photo identification to the guard.
5. Failure to comply with gate protocol (failure to comply with officer's instructions, failure to present proper identification when requested, failure to surrender gate card or out-of-date pass) is a *Tier 3 Offense*. **Amended December 2016**

### **SECTION III. COMMUNITY ROADWAYS & PARKING AREAS**

#### **Rule A: Vehicle Operations**

1. The speed limit for all motor vehicles on SCE roads is 25 MPH unless otherwise posted. Speed should be reduced according to road conditions. Speeding violations, defined as 26 to 39 MPH, or 1 – 14 MPH over posted speed limit, are subject to a *Tier 2 Citation*. **Amended June 2016**
2. All vehicles must completely stop at all posted stop signs. *Tier 2 Offense*
3. Removal or vandalizing of traffic or stop signs is prohibited and will result in a *Tier 3 Citation* and the cost of the replacement.
4. Careless driving (operation of a motor vehicle with unintentional disregard for the safety or property of others; 40 to 49 MPH or 15 – 24 MPH over posted speed limit) is a *Tier 3 Offense*. **Amended June 2016**
5. Reckless driving (operation of a motor vehicle with willful and wanton disregard for the safety or property of others; 50+ MPH or 25 MPH or more over posted speed limit) is a *Tier 4 Offense*. **Amended June 2016**
6. The operation of an unlicensed, unregistered or uninspected motor vehicle, or the operation of said vehicles by an unlicensed driver on any SCE roadways is prohibited. *Tier 2 Offense*. **Amended January 2022**
7. Attempting to elude a Public Safety Officer is a *Tier 3 Offense*.

#### **Rule B: Prohibited Vehicles**

1. Motor vehicles: Only those motor vehicles which are legally equipped, licensed, insured, and approved for regular use on public roadways may be operated on Saw Creek Estates roadways. All other motorized vehicles or personal transports of any type, but not limited to ATV's, UTV's and dirt bikes, may not be operated on Saw Creek Estates roadways. *Tier 2 Offense* **Amended October 2017**



2. Non-motorized vehicles: Bicycles and non-motorized scooters may be operated on Saw Creek Estates roadways subject to all motor vehicle speed limits, traffic controls and regulations. All other non-motorized vehicles or personal transports of any type are expressly prohibited from being operated on Saw Creek Estates roadways. *Tier 1 Offense Amended September 2022*

**Rule C: Parking**

1. Vehicles shall not be parked, stopped, or standing (including the loading/unloading of passengers by the Bus Stops) on SCE roads or shoulders at any time except when authorized by Public Safety. Vehicles must be parked in driveways, parking lots or on private parking pads. Overnight parking on SCE property is not permitted unless advance approval has been granted by Public Safety. *Tier 1 Offense Amended August 2021*
2. The parking of unlicensed, unregistered, or uninspected vehicles on any property within Saw Creek is prohibited, and owners will be cited and given notification to rectify the problem within 21 days. Parked vehicles will be removed at the owner's expense. *Tier 2 Offense*
  - a. Operation of motor vehicle on SCE roadways by an unlicensed driver is prohibited. *Tier 2 Offense*
  - b. Vehicles that are inoperable or in disrepair on owner's property may only stay in that state for 21 days. *Tier 3 Offense Amended May 2017*
  - c. All registrations for vehicles that are maintained on owner's properties must be on file with SCE Member Services. Failure to comply will result in a temporary deactivation of gate card and/or *Tier 1 Citation*.

**Rule D: Illegally Parked Vehicles**

1. Immediate towing may take place without warning in the event of a snow, ambulance, fire, or police emergency or if the vehicle is obstructing traffic.
2. Owners will be notified by mail or Public Safety Officer to remove vehicle. If owner does not comply within 24 hours, Member Services will tow the vehicle and the owner of the vehicle will pay for all costs involved with towing and storage of the vehicle. *Tier 1 Offense*
3. Unauthorized parking in Handicap Zones: Owners and guests who park in spaces reserved for handicap parking without displaying a valid state issued handicap placard, handicap license plate or disabled veterans license plate will be cited for a violation. *Tier 3 Offense*
4. A covered vehicle must have its rear license plate exposed at all times and facing the roadway. Failure to do so will result in a *Tier 1 Citation*.
5. No semi-trailers and/or tractor trailers (including tractor and/or trailer alone),

mobile homes, box trucks of any size, buses of any size, and/or commercial vehicles are permitted to be maintained or parked on any lot. Failure to comply is a *Tier 1 Offense*. **Amended November 2021**

## **SECTION IV. HEALTH & SAFETY**

### **Rule A: Security Alarms**

1. The SCE Public Safety staff will respond to all activated alarm systems. Deactivation turned off and reactivation (reset) will be the responsibility of the owner.
  - a. Failure of an alarm to be reset may result in a *Tier 1 Citation*. **Amended January 2022**
  - b. A *Tier 2 Citation* may be given for any system which is activated more than three times within a twelve-month period. **Amended January 2022**

### **Rule B: Burning Fires**

1. All fire pits require an approved permit and are for recreational purposes only. All fire pits need to be approved for size, materials, design, and location and must use an ember screen, provided the use of the fire pit does not cause a nuisance. Only pre-cut firewood and charcoal are permitted to be burned. An adult must be present to monitor the fire at all times, and a form of fire extinguisher must be on site. Under no circumstances are bonfires permitted. Failure to comply will result in a *Tier 3 Citation*. **Amended September 2022**

### **Rule C: Fireworks**

1. No fireworks of any kind are allowed and will result in a *Tier 4 Citation*. **Amended May 2021**

### **Rule D: Signage**

1. Non-Quality of Life signs, flags, and/or banners of any kind, configuration, or material (e.g., "Private Property," "No Trespassing," yard signs, "Garage Sale," "For Sale," political, contractor, personal - "Elvis Avenue," etc.) are not permitted. Only "Quality of Life" signs that affect the health and safety of our owners may be posted: Alarm, Beware of Dog, etc. Seasonal flags (winter, spring, summer, falls), sports teams flags, and patriotic flags (e.g., national, state, and military) and/or banners are also permitted. No more than three (3) flags and/or banners allowed on a property, which must be affixed to either a deck or home with flag brackets or a permanently installed ground flagpole; no free-standing or makeshift flag and/or banner displays on the property. The flag and/or banner has to match the aesthetics of the property, e.g., the size of flag and/or banner must be proportionally scaled to the size of the flag bracket or flagpole. *Tier 2 Offense*. **Amended February 2021**
2. It is mandatory for homeowners to have a 911 addressing sign posted on their property, by following their township installation ordinances. Failure to post 911 addressing sign will result in a *Tier 1 Citation*. **Amended December 2016**

**Rule E: Watercraft**

1. All watercraft over 15 feet must be on a trailer. Under no circumstances is any watercraft, regardless of size, to be placed on cinderblocks, bricks, or any similar structure. *Tier 2 Offense*
2. Parking/Repairs of unlicensed, unregistered, or uninspected boats/trailers on the owner's property is prohibited and is a *Tier 2 Offense*. The removal of boats/trailers will be at owner's expense.

**Rule F: Disrepair/Trash/Garbage**

Household trash is defined as the refuse that comes from the bathroom and/or kitchen, comprised of garbage and rubbish (bottles, cans, compost, disposables, food packaging, food scraps, newspapers, magazines, etc.) that originate from private homes. **Amended May 2019**

1. Trash compactors are located adjacent to the Member Services Building and also at the Mill Pond Townhome entrance. Only household trash/garbage/rubbish may be deposited in trash compactors. *Tier 2 Citation* **Amended May 2019**
  - a. All household trash/garbage/rubbish must be placed in bags. Cardboard boxes must be flattened before placing in the compactors. *Tier 2 Offense* **Amended May 2019**
  - b. Do not throw or place or deposit any items on the ground or outside the dumpster, i.e., unwanted items that are meant to be donated. Placing items alongside and/or in front of compactor will result in a *Tier 2 Citation*. **Amended May 2019**
  - c. Depositing the following items in any compactor is prohibited: household appliances, fluorescent fixtures, electronics, tires, carpets, mattresses, furniture, toys, wood, building or construction waste, auto batteries, oils or petroleum, paint cans, hazardous chemicals, or flammable materials, i.e., hot or cold ashes or charcoal. *Tier 4 Offense* **Amended May 2019**
2. No building material of any kind or character shall be placed upon any lot, except in connection with construction for which a municipal and SCE permit has been issued. *Tier 2 Offense*
3. Littering on any common area or owner's property, amenity sites, parking lots, or roadways, as well as throwing trash (e.g., bottles, cans, cigarettes, candy wrappers, etc.) from moving or parked vehicles is prohibited, and will result in a *Tier 2 Citation*.

**Rule G: Firearms**

1. Use of pellet guns, bows, and arrows, slingshots, blowguns, paintball guns, and air guns are not permitted within the community. *Tier 3 Offense*
2. SCE expressly prohibits possession of firearms at all facilities and amenities. No

person other than duly authorized SCE Public Safety and law enforcement personnel may possess a firearm of any kind, at any facility or amenity, without regard to whether such firearm is concealed or visible and without regard to whether such person has a valid permit to possess a firearm. Individuals violating this rule will be issued a *Tier 5 Citation*.

## **SECTION V. PETS, WILDLIFE & THE ENVIRONMENT**

### **Rule A: Pets**

1. The keeping of poultry or animals other than those classified as family pets (dogs, cats, and caged birds) shall be prohibited. *Tier 2 Offense*
2. No more than two dogs or two cats, or one dog and one cat, shall be allowed per dwelling. *Tier 2 Offense*
3. Non-service pets are permitted on SCE's walking trails, but are not permitted at beach areas, tennis courts, recreation areas, or in any SCE amenity. *Tier 2 Offense*
4. Disturbance of the peace - it shall be unlawful to own, harbor or keep in custody any dog that disturbs the peace by barking, howling, or making other noises to the annoyance and discomfort of any persons in Saw Creek Estates. Continuous and or repeated barking, howling, or making loud noises for more than one hour during daylight hours or more than one-half hour after dark shall be deemed disturbing the peace. *Tier 2 Offense* (See Section VIII.)
5. It is illegal to abandon or attempt to abandon any dog/cat (PA Law). *Tier 3 Offense*
6. All animals shall be on their owner's property and under the control of the owner at all times. All dogs must be leashed, whether they are on or off of the property and shall not be permitted to run at large. When the animal(s) are being walked off the owner's property, the animal(s) shall be under the control of the owner, or a person made responsible by the owner, at all times (PA Leash Law).
  - a. Failure to comply with this regulation will result in a *Tier 2 Citation*.
  - b. If a dog belonging to an owner, tenant or guest, injures another animal, a *Tier 3 Citation* will be issued appropriately.
  - c. Should the dog attack a person, a *Tier 5 Citation* will be issued appropriately.
  - d. If a second attack, involving the same dog occurs, a second offense citation, with its corresponding monetary penalty, will be applied. Said second offenses will also result in a suspension of the property owner from all amenities, including the use of the owner's gate card(s) for a period of six months. In addition, the

offending animal must be removed from the Saw Creek Community permanently. **Amended October 2019**

7. All dogs and cats 3 months of age or older must have a current rabies vaccination. All dogs 3 months or older must have a current license issued for the area the dog resides in (PA Law). All pets should have identification tags on their collar for purposes of locating owner if lost or missing. Failure to do so is a *Tier 2 Offense*. **Amended December 2019**
8. Responsible owners/pet owners need to be courteous to their neighbors and the community when walking their pets, being mindful of property lines and properly disposing of animal feces. If persistent violation of this occurs, a *Tier 1 Citation* may be issued.

**Rule B: Hunting**

1. There is no hunting or trapping permitted in the community or on individually owned property. *Tier 4 Offense*

**Rule C: Fishing**

1. All fishermen, 16 years of age or older, must possess a valid Pennsylvania Fishing License (PA Law). Fishing without a license is a *Tier 2 Offense*. **Amended October 2016**
2. Fishing is prohibited within 50 feet of the Mill Pond swimming area. *Tier 2 Offense* **Amended May 2019**

**Rule D: Pets/Wildlife No Feed Policy**

1. Placing or offering any food or other enticement on any property that may result in attracting stray or feral cats, dogs or wildlife of any kind is prohibited. *Tier 3 Offense* **Amended February 2017**

**SECTION VI. COMMON COMMUNITY SENSE**

**Rule A: Smoking**

1. Smoking is defined as including, but not limited to, tobacco products and/or nicotine delivery devices, e.g., e-cigarettes, hookahs, etc., and is prohibited in all indoor and outdoor SCE facilities and amenities. Outdoor areas will be identified by posted signs indicate where smoking is permissible at outdoor facilities and amenities. *Tier 3 Offense* **Amended July 2021**

**Rule B: Possession or Consumption of Alcoholic Beverages**

1. Possession or consumption of alcoholic beverages by persons less than 21 years of age is prohibited (PA Law). *Tier 3 Offense* and state authorities will be notified.

**Rule C: Use of Amenities**

The use of SCE amenities and indoor facilities is at your own risk.

1. Trespassing after hours at the amenities or SCE common property will result in a *Tier 3 Citation* and charges will be filed with the Pennsylvania State Police.
2. Gasoline powered recreational vehicles are not allowed to be operated at SCE amenities. This includes, but not limited to ATVs, UTVs, and dirt bikes. *Tier 2 Offense*. **Amended January 2022**

**Rule D: Enforcement of Alcoholic Beverage Laws**

1. SCE traffic rules and PA State Laws (such as but not limited to PA Controlled Substances Laws and PA State Liquor Laws) are strictly enforced. No alcoholic beverages are permitted at any Top of the World facilities, including alcohol take-out packages purchased from Top of the World Restaurant, except those alcoholic beverages that have been legally purchased at the Top of the World for immediate on-premise consumption. Violation of this rule is a *Tier 3 Offense*. **Amended February 2017**

**Rule E: Failure to Comply**

1. All directives given by a Public Safety Officer or other authorized Association Personnel while on duty on SCE property, shall be followed, including, but not limited to:
  - a. Requests to leave SCE property.
  - b. Request to provide identification.

Citations issued under this rule shall be a *Tier 2 Citation*. **Amended August 2021**

**SECTION VII. COMMUNITY FACILITIES & AMENITIES**

The community facilities and amenities are for the use and enjoyment of all SCE members in “Good Standing,” including their invited guests and tenants, with exception of the ski area. Each facility and amenity entrance will display a specific set of Rules and Regulations for use. Users are expected to familiarize themselves with the Rules and Regulations and ask the attendant for clarification when necessary. Failure to comply may result in fines/citations. Every person must possess a valid amenity access fob or guest band at all times in order to use any SCE facility. SCE reserves the right to check for such identification at any time before or during such use. Anyone without an amenity access fob or guest band will be asked to leave the facility. The use of all SCE amenities/recreational areas is at your own risk. **Amended January 2022**

**Rule A: Winter Recreation**

1. Transferring of season passes is prohibited and will result in a *Tier 1 Offense*; please refer to Ski Pass Policy for specifics.
2. Walking in ski area is not permitted. *Tier 1 Offense*
3. Failure to obey the instructions of all Ski Patrol and attendant staff is a *Tier 2*

*Offense.*

4. All slope users should familiarize themselves with, and obey all posted rules, including those shown on ticket. Failure to comply is a *Tier 2 Offense*.
5. Use of the ski slope for renters will require an amenity access fob or guest band along with the purchase of a ski lift ticket. **Amended January 2022**
6. Only persons with skis or snowboards may ride the ski lift, except SCE staff.
7. Sledding is allowed in approved, designated areas only and is prohibited on all SCE roads and common areas. *Tier 1 Offense*
8. Ice-skating is not permitted on any lake, pool, or pond in the community. *Tier 2 Offense* **Amended November 2020**

**Rule B: Aquatics/Swimming/Boating**

1. The swim attire policy is intended to maintain a clean, safe and inviting environment for our members and their guests. Swimwear that is not made of swimsuit material, street clothing, thong bikinis or suits that are deemed too revealing for a family environment are prohibited. All other clothing items worn with a bathing suit such as shorts and t-shirts must be limited to colorfast and lightweight materials such as Lycra, Spandex, or Nylon. Violation of this rule is a *Tier 1 Offense* and violators may be required to vacate the premises.
2. The indoor/outdoor pools/hot tub and Mill Pond Beach area are available only to members in good standing and their guests. **Amended July 2018**
  - a. Swimming at the indoor/outdoor pools/hot tub, when closed, is prohibited, and will result in a *Tier 1 Citation*. **Amended January 2020**
  - b. Swimming is permitted only at the designated areas of Mill Pond Beach and is at your own risk. **Amended July 2018**
3. Lifeguards/attendants are at pool areas/hot tubs to maintain a safe and enjoyable environment for all people using the pool/hot tub. People using the pool/hot tub are responsible for their own safety and the safety of others under their care and should not depend on lifeguards/attendants solely for protection. At their discretion, disciplinary action and other measures may be enforced by the lifeguard/attendants to maintain the proper conduct and safety for the enjoyment of all the people using the pool/hot tub. **Amended May 2022**
4. Attendants are completely in charge of the boating areas of Mill Pond Beach. Failure to obey their instructions is a *Tier 2 Offense*. **Amended July 2018**
5. Only U.S Coast Guard approved flotation devices are permitted at the pools and lake. Snorkels and scuba diving equipment are prohibited in the pools. Swim

goggles and masks are acceptable. Non-swimmers may use small tubes, arm floaters and lifejacket/floating vests whenever accompanied by an adult eighteen (18) years of age or older. Non-swimmers must stay in one area where the accompanying adult can ensure the safety of the non-swimmer. **Amended March 2019**

6. Anyone under 12 years of age must be under adult supervision at all times while in the pool area/hot tub or on any watercraft. Anyone 5 years of age and under is not permitted in the hot tub at any time. **Amended August 2018**
7. No glass containers are permitted at the pool/hot tub, beach, or playground areas, as well as the basketball and tennis courts. The use of outside alcohol is prohibited at any pool. *Tier 2 Offense* **Amended September 2022**
8. SCE is not responsible for any valuables left at the common areas (pool/hot tub, beach, or recreation area). **Amended August 2018**
9. Throwing of items such as hard balls and Frisbees that could injure other swimmers are prohibited. *Tier 1 Offense* **Amended January 2022**
10. No animals are permitted in the pool area. *Tier 2 Offense*
11. Diving is not permitted in the pool at any time. *Tier 1 Offense* **Amended February 2020**
12. Running, shoving, pushing and horseplay are not permitted. *Tier 1 Offense* **Amended February 2020**
13. Congregating around ladder area of the lifeguard/attendant chairs, socializing with, or otherwise distracting a lifeguard while he or she is on duty is prohibited. *Tier 2 Offense* **Amended May 2022**
14. Children of diaper age must wear diapers with plastic pants or swimmies diapers in pools or their parent/guardian will be subject to *Tier 2 Citation*.
15. Loud CD/Radio/Cassette/iPod/audio equipment/amplifying devices are prohibited. *Tier 1 Offense*
16. Scheduled SCE functions (pool parties, recreation events) supersede all other scheduled events.
17. All trash must be properly disposed of before leaving any recreation area. *Tier 2 Offense*
18. Unauthorized persons are not allowed in pool maintenance filtration, chlorination, or chemical storage areas. No smoking is permitted in any of these locations. *Tier 3 Offense*



19. Swimming at the Community lake area is prohibited. *Tier 3 Offense*
20. Individuals must wear lifejackets when utilizing paddleboats, canoes, rowboats, or any other permitted watercraft on Mill Pond. Failure to wear a lifejacket will result in a *Tier 1 Citation*.
21. No gasoline or diesel-powered watercraft may be used on Mill Pond. *Tier 3 Offense*  
**Amended September 2020**

**Rule C: Fitness Center**

1. Persons aged 16 and older are permitted to use all fitness center and weight room equipment. **Amended August 2017**
2. Persons 14-15 years of age are permitted to use the fitness center and weight room equipment only when accompanied and monitored by adult supervision at all times while in the fitness center. **Amended August 2017**
3. Spectators and/or loitering are not permitted in the fitness center. **Amended March 2019**

**Rule D: Community Pavilion**

1. The Community Pavilion is to be used on a first come/first serve basis, unless it is previously reserved by members in good standing, or for SCE events, which take precedence.
2. Burning/grilling of any kind is prohibited under the Community Pavilion. *Tier 1 Offense*.
3. The Community Pavilion is for the use and enjoyment of our members and guests. Loud or irritating sounds that disturb the peace of others are subject to a *Tier 1 Citation*.

**Rule E: Community Curfew**

1. No minor shall loiter, wander, walk, stroll, or play in or upon any amenity site, vehicle, roadway, parking lot, public building, vacant lot, or any other location within Saw Creek Estates without his/her parent or guardian between the hours of 11PM and 5AM any day of the week. A minor found after the following time periods in a place other than his/her home shall be presumed to be in violation of the specified curfew. **Amended February 2018**

The curfew hours specified in this ordinance shall not be applicable to those minors who:

- a. Are under the supervision of a parent or guardian;
- b. Are engaged in activities such as employment, medical care or attending a school or religious activities;

- c. Are on an emergency errand.

Parents or guardians of minors who are found violating the age-specific curfew will be issued a *Tier 2 Citation*, per occurrence.

**Rule F. Drones**

1. All drone operators must meet and comply with current/existing FAA regulations. *Tier 1 Offense Amended July 2017*
  - a. Commercial drone operators (i.e., contractors or other professional service people who use drones in their business) must register their drones with Member Services. It is the responsibility of the homeowner to confirm that their contractor has a current remote pilot certificate. **Amended July 2017**
  - b. Recreational drone operations are limited only to the Community field adjacent to the Community Pavilion, playground, and pond areas. **Amended January 2022**

**SECTION VIII: QUALITY OF LIFE**

Once a homeowner goes through the existing tiered process (three citations within any 12-month period) and has been found guilty of violating the following rules, upon the fourth incidence (within a 12-month period of the last citation), that homeowner will receive a *Tier 5 Citation* and follow that tier system. **Amended July 2019**

**Rule A: Maintaining Your Property**

1. Each property owner of any improved or unimproved lot shall maintain his or her property in a neat and safe manner. Failure to comply will result in a *Tier 2 Citation* and where applicable, cost incurred for removal of item(s). **Amended June 2017**
2. It shall be unlawful for homeowners, their guests, or hired contractors, etc. to throw, shovel or otherwise move, pile or dump snow or ice removed from sidewalks, driveways or other areas onto any SCE roadway or adjoining homeowner property. *Tier 2 Offense Amended November 2016*

**Rule B: Noise/Unreasonable Sounds**

1. A loud or irritating or unreasonable sound either by voice or instrument, which disturbs the peace and composure of a property owner not residing in same household or exhibited in any common or controlled area of the association, will constitute a nuisance, for more than one hour during daylight hours or more than one-half hour during quiet hours: 10PM to 8AM, Sunday through Thursday, and from 11PM to 8AM, Friday, Saturday, or Holidays. This shall also include but not limited to barking dogs, loud radios, or any other entertainment/audio equipment, foul language, automobile horns, amplifying devices, etc. *Tier 2 Offense Amended March 2019*

**Rule C: Harassment**

1. Owners, tenants, and guests are expected to conduct themselves in a courteous and polite manner at all times. Harassment, including but not limited to verbal and/or physical abuse to anyone within the Saw Creek Estates Association, including SCE employees and their agents, will result in the following citations: **Amended February 2017**
  - a. Verbal harassment will result in *Tier 4 Citation*. **Amended October 2021**
  - b. Physical harassment will result in a *Tier 7 Citation*. **Amended August 2016**

**Rule D: Disorderly Conduct**

1. Any person acting in a disorderly manner to the extent that they receive a fine/citation will result in suspension of all amenity privileges. After said suspension, any further action will be taken under management discretion in accordance with State laws and SCE governing document. **Amended February 2017**
  - a. First offense: banned for 30 days from the date of guilty plea or date of appeals decision (i.e., adjudication).
  - b. Second offense, within a one-year period: banned for 90 days from date of incident.

**Rule E: Disorderly Residence**

1. In the event the Public Safety Department is caused to respond to a residence with regard to valid and substantiated complaints against those occupying said residence an excessive amount of times, the homeowner may be cited for maintaining a Disorderly Residence. An excessive amount of responses shall be defined as three or more consecutive times in a one (1) month period. *Tier 5 Offense*

**SECTION IX: RULES & REGULATIONS DUE PROCESS**

**Rule A: Nuisance/Damage to Property**

1. If a member, his immediate family, guest, tenant, or contractor creates a nuisance upon any Association property or by omission or intentional act cause damage or expense to Association in determinable amount, or violates the Covenants, Bylaws, or Rules and Regulations, the member is subject to a *Tier 4 Offense* and the actual cost incurred to replace or repair damaged property will be the responsibility of the owner.

**Rule B: Enforcement of Rules**

1. The Rules and Regulations shall be enforced by those individuals or departments, which have been authorized to do so by the SCE Board of Directors. These individuals and departments may include but are not limited to the Public Safety Department, Community Manager, Code Enforcers, Office Manager, facility and amenity supervisors and assigned staff.

Consequences (enforcement action): community members in non-compliance with

Covenant restrictions, Bylaws, and Rules and Regulations may be subject to one or all of the following:

- a. Suspension of community privileges as assigned to all members in good standing.
- b. Appropriate fines/citations as determined or approved by the SCE Board of Directors or authorized committee.

**Rule C: Complaint Process**

1. All complaints brought by a member to the Association against another member will be subject to Management review and will result in prompt response and/or corrective action as outlined in the Association's Member to Member complaint process. **Amended January 2022**
2. Member's health, safety, or security: if violation is not abated immediately, in addition to imposing the appropriate penalty, the violation shall be reported to the community manager, who is empowered to take corrective action. Such action shall be at the expense of the member if he or she is ultimately found liable for correction of the violation.
3. The fine/citation must be paid within 10 days unless the accused wishes to appeal the citation. If the accused wishes to appeal, he/she must do so in writing (within 10 calendar days from receiving notice) to the Association. Appeals are held on a day set forth every month by the Hearings and Appeals Committee. The accused shall be notified of the hearing date and may provide arguments in his or her behalf, in person.
4. A defendant may request a hearing postponement with cause. The request must be received by the Association prior to the hearing date provided to the defendant. The postponement can only be extended to the next scheduled hearing. A defendant will only be allowed to have two (2) hearings. If the defendant fails to appear at a hearing when scheduled, and did not have an approved postponement, they will be considered as a "No Show" and deemed guilty. When held, the hearing shall include the defendant's input if offered. Defendant's input will be subject to examination. The complainant, owner, or a Public Safety representative shall be present and subject to examination. Detailed minutes will be kept, stating decisions reached, and provided to the Board on a monthly basis. The Appeals Committee shall report to the Board of Directors as to the fault, remedies, and maximum sanctions to be imposed. Imposed fines and fees are payable within ten (10) days of the decision notice. Non-payment of fines and fees will result in suspension of privileges. Further guilty offenses may result in suspension of privileges. **Amended November 2020**

**SECTION X. POLICIES & PROCEDURES**

Policies and procedures are established by the Board of Directors and/or Member Services and are listed on the Saw Creek Website in the Resource Center. The following is a partial list of significant Association policies:

- Board Code of Conduct
- Collection Policy
- Communication Policy
- Investment Policy
- Renter Tenant Policy
- Room Reservation Policy & Form
- Ski Hill Policy
- Solicitation Policy
- Winter Road Maintenance

Should you have questions or comments concerning policies or procedures, please direct them in writing to [info@sawcreek.org](mailto:info@sawcreek.org) for an official response.

## **SECTION XI. FINE & CITATION FEES**

The fines/citations will be as follows:

	<b>1<sup>st</sup> Citation/Offense</b>	<b>2<sup>nd</sup> Citation/Offense</b>	<b>3<sup>rd</sup>, et al Citation/Offense <u>and</u> Suspension of Amenities</b>
<b>Tier 1</b>	<b>\$60.00</b>	<b>\$85.00</b>	<b>\$110.00      90 calendar days</b>
<b>Tier 2</b>	<b>\$160.00</b>	<b>\$210.00</b>	<b>\$260.00      90 calendar days</b>
<b>Tier 3</b>	<b>\$260.00</b>	<b>\$385.00</b>	<b>\$510.00      120 calendar days</b>
<b>Tier 4</b>	<b>\$510.00</b>	<b>\$760.00</b>	<b>\$1,010.00      120 calendar days</b>
<b>Tier 5</b>	<b>\$1,010.00</b>	<b>\$1,510.00</b>	<b>\$2,010.00      240 calendar days</b>
<b>Tier 6</b>	<b>\$2,510.00</b>	<b>\$3,510.00</b>	<b>\$5,010.00      364 calendar days</b>
<b>Tier 7</b>	<b>\$5,010.00</b>	<b>\$7,510.00</b>	<b>\$10,010.00      364 calendar days</b>

When no amount is specified for particular violation of SCE Rules and Regulations, the fine assessed will be a *Tier 2 Citation*.

### **Tiered Offenses**

- First offense will result in a citation of a set amount, listed above, and based on the specific Tier assigned.
- Second offenses, or failure to comply by paying all fines imposed and correcting all violations in a satisfactory manner within 21 calendar days will result in an additional citation, listed above. For every additional 10-calendar days of non-compliance, an additional citation will be given, and suspension of amenities will occur.
- Third offense, within 120 calendar days of the previous citation, and all subsequent offenses will result in an increased fine, as well as a suspension of all amenities, including gate access through "Owner Entrance Only" lanes, TOW Restaurant, all pools, tennis/racquetball courts, fitness center, playgrounds, snack bars, ski-lift, recreation functions, and the following amenity locations: Community area, Mill Pond, and Mountainside, for a set time.
- Fines must be paid by designated timeframe, listed above, unless the accused wishes to appeal the citation. Please review Section IX, Article C, item 3.
- SCE has authority to charge a processing fee for each citation, including citation amount.

**APPLIES TO ALL HOUSEHOLD MEMBERS, GUESTS, TENANTS, CONTRACTORS, AND PERSONNEL**  
**ALL FINES ARE SUBJECT TO CHANGE WITH BOARD APPROVAL**

## **APPENDIX - A**

### **Tennis/Racquetball/Basketball**

1. All outdoor courts require a valid access card for entrance.
  - a. Players must have amenity access fobs or guest bands with them at all times.
  - b. Proper attire is required for tennis/racquetball. Proper attire is neat shorts or skirts (no cut-offs, swimsuits, jeans, etc.) shirt and blouse (no tank tops, halters, etc.). Footwear must consist of tennis/racquetball shoes. Shoes must have soles that do not mark or damage the playing surface. **Amended March 2019**
  - c. No pets are permitted in court areas. *Tier 2 Offense*
  - d. No food or beverages (alcohol or soda) of any kind shall be consumed within the court areas. Only water is permitted and must be contained in a non-metallic and non-breakable container. *Tier 1 Offense* **Amended March 2019**
  - e. There is no smoking in the court area. *Tier 3 Offense* **Amended March 2019**
  - f. Sports equipment may be available upon request by contacting the Recreation Department. **Amended January 2022**
  - g. Bikes, tricycles, skateboards, roller blades, strollers, roller-shoes, scooters or any item not directly related to the sport are not permitted on any courts or decks. Use of these items on any court or deck may result in a *Tier 1 Citation*. **Amended March 2019**