

**Association Rule  
Article 21  
Environmental Control Code  
1-17-15**

# Environmental Control Code

## Table of Contents

ARTICLE I - GENERAL .....	1
SECTION 1.01 - AUTHORITY.....	1
ARTICLE II - PURPOSE.....	1
SECTION 2.01 - PURPOSE.....	1
ARTICLE III - POLICY .....	1
SECTION 3.01 - DECLARATION OF THE BOARD OF DIRECTOR’S FINDINGS AND INTENT .....	1
SECTION 3.02 - DECLARATION OF THE BOARD OF DIRECTOR’S POLICY .....	2
ARTICLE IV - DEFINITIONS .....	2
SECTION 4.01 - ASSOCIATION (FOR THE PURPOSE OF THIS DOCUMENT).....	2
SECTION 4.02 - ASSOCIATION PROPERTY.....	2
SECTION 4.03 - BOARD .....	3
SECTION 4.04 - BYLAWS .....	3
SECTION 4.05 - CHAIR .....	3
SECTION 4.06 - DEVELOPMENT .....	3
SECTION 4.07 - ENVIRONMENT .....	3
SECTION 4.08 - ENVIRONMENTAL CONTROL COMMITTEE .....	3
SECTION 4.09 - IMPROVEMENTS .....	3
SECTION 4.10 - MEMBER.....	3
SECTION 4.11 - MULTI-RESIDENTIAL LOT .....	4
SECTION 4.12 - NOTICE .....	4
SECTION 4.13 - OFFICE OF RECORDER .....	4
SECTION 4.14 – OWNER.....	4
SECTION 4.15 - PERFORMANCE DEPOSIT.....	4
SECTION 4.16 - PERSON.....	4
SECTION 4.17 - LOT .....	4
SECTION 4.18 - RESIDENCE.....	5
SECTION 4.19 - RESIDENTIAL LOT.....	5
SECTION 4.20 - RESTRICTIONS .....	5
SECTION 4.21 - ROAD .....	5
SECTION 4.22 - STRUCTURE.....	5
SECTION 4.23 - SUBDIVISION MAP .....	5
SECTION 4.24 - WATER COMPANY .....	5
SECTION 4.25 - MOBILE / MANUFACTURED HOME .....	5
SECTION 4.26 - MODULAR HOME .....	6
ARTICLE V - ENVIRONMENTAL CONTROL COMMITTEE .....	6
SECTION 5.01 - AUTHORITY.....	6
SECTION 5.02 - POWER.....	6
SECTION 5.03 - RIGHT OF APPEAL .....	6
SECTION 5.04 - DUTIES.....	6
SECTION 5.05 - RECOMMENDATIONS .....	7

SECTION 5.06 - ENVIRONMENTAL CONTROL OFFICER.....	7
ARTICLE VI - ENFORCEMENT .....	8
SECTION 6.01 - RESPONSIBILITY .....	8
SECTION 6.02 - DISCOVERY OF VIOLATIONS .....	8
SECTION 6.03 - FIRST NOTICE TO CORRECT VIOLATION .....	8
SECTION 6.04 - CITATION PROCEDURE.....	8
SECTION 6.05 - NON-COMPLIANCE WITH CITATION.....	9
SECTION 6.06 - VIOLATIONS DURING CONSTRUCTION AND/OR UPON COMPLETION OF AN IMPROVEMENT.....	9
SECTION 6.07 - PENALTIES FOR NON-COMPLIANCE.....	9
ARTICLE VII –PROCESSES, REQUIREMENTS & PROVISIONS .....	10
SECTION 7.01 - FEES AND PERMITS.....	10
SECTION 7.02 - PLANS, REQUIREMENTS AND APPROVAL.....	10
SECTION 7.03 - NEW CONSTRUCTION SITE INSPECTIONS .....	10
SECTION 7.04 - FENCES, WALLS, AND HEDGES .....	11
SECTION 7.05 - SETBACK.....	11
SECTION 7.06 - TEMPORARY STRUCTURES USED DURING CONSTRUCTION.....	12
SECTION 7.07 - PARKING OF MOBILE AND PREFABRICATED STRUCTURES .....	12
SECTION 7.08 - EXTERIOR LIGHTING.....	12
SECTION 7.09 - HOLIDAY DECORATIONS AND DECORATIVE FLAGS OR BANNERS .....	13
SECTION 7.10 - STORAGE FACILITIES AND CLOTHESLINES.....	13
SECTION 7.11 - ANTENNAS .....	13
SECTION 7.12- COLOR AND BUILDING MATERIAL OF STRUCTURES AND WINDOWS.....	14
SECTION 7.13 - HAZARDS .....	14
SECTION 7.14 - REFORESTATION .....	14
SECTION 7.15 - ASSOCIATION PROPERTY.....	14
SECTION 7.16 - RESTRICTION OF ENTRY ONTO LOTS .....	15
SECTION 7.17 - MAINTENANCE OF LOTS .....	15
SECTION 7.18 - NUISANCE AND NOXIOUS ACTIVITIES.....	16
SECTION 7.19 - CAMPING.....	16
SECTION 7.20 - PETS .....	16
SECTION 7.21 - SIGNS .....	16
SECTION 7.22 - VEHICLES .....	17
SECTION 7.23 - DESTROYED STRUCTURES.....	18
SECTION 7.24 - YARD SALES.....	18
SECTION 7.25 - COTTAGE INDUSTRIES .....	18

# **PINE MOUNTAIN CLUB PROPERTY OWNERS ASSOCIATION**

## **Environmental Control Code**

### **ARTICLE I - GENERAL**

#### **SECTION 1.01 - AUTHORITY**

The Environmental Control (EC) Code is formulated from the Covenants, Conditions and Restrictions (CC&Rs) and the Bylaws of Pine Mountain Club Property Owners Association (PMCPOA).

### **ARTICLE II - PURPOSE**

#### **SECTION 2.01 - PURPOSE**

The purpose of the EC code is to establish procedures for application of those provisions of the CC&Rs which govern the powers, duties, obligations and responsibilities of the Environmental Control Committee (ECC) as provided in the Bylaws of PMCPOA.

### **ARTICLE III - POLICY**

#### **SECTION 3.01 - DECLARATION OF THE BOARD OF DIRECTOR'S FINDINGS AND INTENT**

The Board of Directors finds and declares as follows:

- A. The maintenance of a high quality environment that is at all times healthful and pleasing to the senses and intellect for the people of Pine Mountain Club (PMC) now and in the future is a matter of Association concern.
- B. There is a need to understand the relationship between the maintenance of high quality ecological systems and the general welfare of people at PMC including their enjoyment of the area's natural resources.
- C. Every person at PMC has a responsibility to contribute to the preservation and enhancement of the environment. The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by the public and private interest to enhance environmental quality and to control environmental pollution.

## SECTION 3.02 - DECLARATION OF THE BOARD OF DIRECTOR'S POLICY

The Board of Directors finds and declares that it is the policy of the Association to:

- A. Develop and maintain a high quality environment and to take reasonable actions to protect, rehabilitate, and enhance the environmental quality of PMC.
- B. Take reasonable steps towards providing the people of PMC with clean air and water; enjoyment of aesthetic, natural, scenic and historic environmental qualities; freedom from excessive noise and light; and to help prevent the elimination of wildlife and plant species indigenous to the area.
- C. Ensure that the long-term protection of the environment shall be a guiding factor in Association decisions to create and maintain conditions under which the people of PMC and nature can exist in productive harmony.
- D. Ensure that the Environmental Control Committee explores alternatives or feasible mitigation measures available which would lessen the significant environmental effects of projects. In the event specific economic, social, or other conditions make unfeasible such project alternatives or mitigation measures, individual projects may be approved in spite of one or more significant effect thereof.
- E. Take reasonable steps to minimize fire hazards.

## ARTICLE IV - DEFINITIONS

### SECTION 4.01 - ASSOCIATION (FOR THE PURPOSE OF THIS DOCUMENT)

“Association” shall mean Pine Mountain Club Property Owners Association, Inc., a California nonprofit mutual-benefit corporation which consists of all owners of lots in that certain real property planned development known as Pine Mountain Club and situated in Pine Mountain Club, California.

### SECTION 4.02 - ASSOCIATION PROPERTY

“Association property” shall mean all real and personal property owned by the Association, including without limitation: greenbelts; entrance monuments; Association roads; a recreational center with a clubhouse, swimming pool, miscellaneous game areas, picnic and barbecue areas, and parking areas; equestrian center with tack rooms, corrals, paddocks and parking areas; parks; campgrounds; equestrian trails; golf course; tennis courts; transfer site; storage areas; and any other facilities, recreational or otherwise, owned and maintained or controlled for the common use, benefit and enjoyment of the owners of real property within the development.

#### SECTION 4.03 - BOARD

“Board” shall mean the Board of Directors of the Association.

#### SECTION 4.04 - BYLAWS

“Bylaws” shall mean the duly adopted bylaws of the Association, including any amendments.

#### SECTION 4.05 - CHAIR

"Chair," for the purpose of this code, shall mean the chair of the ECC.

#### SECTION 4.06 - DEVELOPMENT

“Development” shall mean the planned development situated in Kern County, California, known as Pine Mountain Club and any lot or lots included in the tracts identified in section 1.7 of the CC&Rs.

#### SECTION 4.07 - ENVIRONMENT

"Environment" shall mean the beauty, tranquility, atmosphere, and/or the natural surroundings of the PMC. The environment shall include, but is not limited to, structures, trees, shrubs, vegetation, residential, commercial and Association property, national forest property, water company property and natural water flows.

#### SECTION 4.08 - ENVIRONMENTAL CONTROL COMMITTEE

"Environmental Control Committee shall mean the committee created pursuant to the Association bylaws.

#### SECTION 4.09 - IMPROVEMENTS

“Improvements” shall mean all buildings, structures, roads, pools, courts, paddocks, corrals, driveways, parking areas, fences, retaining walls, stairs, decks, poles, signs, alterations to lots, structures of any type above or below ground and other facilities of the development.

#### SECTION 4.10 - MEMBER

“Member” shall refer to all persons or entities having an ownership interest in a single family residential lot, or a multi-residential or commercial lot, except any such lots as are owned by the association. If title to a lot is held in the name of a trust, the trustee(s) shall be deemed the member for purposes of membership rights and privileges.

#### SECTION 4.11 - MULTI-RESIDENTIAL LOT

"Multi-residential lot" shall mean a parcel of land intended to be used for residential purposes upon which the construction of a residential building containing no more than four (4) residential units is allowed under the restrictions.

#### SECTION 4.12 - NOTICE

"Notice" shall mean any communication or notice of any kind permitted or required herein. Notice may be delivered as provided in the CC&Rs and shall be in writing and may be served, as an alternative to personal service, by mailing same as follows:

To a member: To the post office box of the lot or unit, or such other address as the member may designate in writing to the Association.

To Association: To the Board of Directors, PO Box P,  
Pine Mountain Club, CA 93222-0016

All notices or demands to be served by mail shall be by first-class mail with postage prepaid. Service shall be deemed to be completed three (3) business days after such mailing.

#### SECTION 4.13 - OFFICE OF RECORDER

"Office of Recorder" shall mean the Office of Recorder, County of Kern, State of California.

#### SECTION 4.14 – OWNER

"Owner" shall mean any person who holds a recorded title ownership interest in real property subject to the CC&Rs, excluding any person having an interest in the property merely as security for the performance of an obligation.

#### SECTION 4.15 - PERFORMANCE DEPOSIT

"Performance deposit" shall refer to a deposit collected from the owner prior to issuing a permit for improvements. The refundable portion of the deposit shall be held in trust until the Environmental Control Office (ECO) completes a final inspection of the improvement and verifies compliance with repair and cleanup requirements.

#### SECTION 4.16 - PERSON

"Person" shall mean a natural person, corporation, partnership, trust, association or other similar entity as defined by law.

#### SECTION 4.17 - LOT

"Lot" shall mean any real property designated as a "lot" or "parcel" in title documents bearing legal descriptions within this development subject to the CC&Rs.

#### SECTION 4.18 - RESIDENCE

“Residence” shall mean a building used for residential purposes, together with garage or carport, if any. Residence shall include single-family residences, multi-residential buildings and manufactured/modular homes.

#### SECTION 4.19 - RESIDENTIAL LOT

“Residential lot” shall mean any lot or lots included in the tracts identified in section 1.7 of the CC&Rs upon which the CC&Rs authorize construction of a single-family residence, a multi-unit residence, or a manufactured/modular home.

#### SECTION 4.20 - RESTRICTIONS

"Restrictions" shall mean all limitations, restrictions, covenants, terms and conditions set forth in the CC&Rs recorded in the Office of the Recorder of the County of Kern with respect to the development, as may from time to time be amended, supplemented or modified by subsequent CC&Rs so recorded.

#### SECTION 4.21 - ROAD

"Road" shall mean any vehicular way designated on a subdivision map by street name and as "Not a Dedicated Street." The term "Not a Dedicated Street" refers to a parcel of land or non-exclusive easement not owned by the county, a city or state or federal governments, and which is not offered for dedication to public use.

#### SECTION 4.22 - STRUCTURE

"Structure" shall mean anything constructed or erected, the use of which requires location on the ground.

#### SECTION 4.23 - SUBDIVISION MAP

"Subdivision Map" shall mean (1) any final map within the meaning of the provisions of Division 4, Part 2, Chapter 2, of the Business and Professions Codes of the State of California, and (2) any final record of survey map within the meaning of the provisions of Division 3, Chapter 15, Article 5, of the Business and Professions Code of the State of California, as such provisions may from time to time be amended.

#### SECTION 4.24 - WATER COMPANY

"Water Company" shall mean the Mil Potrero Mutual Water Company, a California Corporation.

#### SECTION 4.25 - MOBILE / MANUFACTURED HOME

“Mobile Home” or “Manufactured Home” shall mean a ***new, not previously occupied***, manufactured home, as defined in the California Health and Safety Code §18007 and §18008, as they may be amended, built upon a permanent chassis, transported into PMC and mounted on a foundation upon lots 102 through 233 inclusive

within tract 3405 of the community. Used mobile/manufactured homes may not be placed on any lot within PMC.

#### SECTION 4.26 - MODULAR HOME

“Modular Home” shall mean a *new, not previously occupied*, prefabricated home that meets the requirements as set forth in the California Building Standards Code, Title 24 and the International Residential Code to be placed upon a foundation on the lot or parcel. A modular home may be placed upon any buildable lot within the community of PMC. Used modular homes may not be placed on any lot within PMC.

#### SECTION 4.27 – AUTHORIZED GUESTS

Authorized guests(s): The term “guest, tenant or lessee” as used herein shall mean a person(s) who has been authorized by a member in good standing including a tenant or lessee residing in a member’s residence to use association property and the facilities of the Association and subject to the condition that the member shall have full responsibility for such guest(s), tenant(s) or lessee(s) while they are using Association property or facilities of the Association.

### ARTICLE V - ENVIRONMENTAL CONTROL COMMITTEE

#### SECTION 5.01 - AUTHORITY

The ECC shall be established annually pursuant to the PMCPOA bylaws.

#### SECTION 5.02 - POWER

The ECC shall have the power and authority to recommend that the PMCPOA Board of Directors approve or disapprove plans and specifications as defined in the restrictions and exercise all other functions delegated to it pursuant to the provisions of this code. Subject to the EC code the ECO shall be allowed to approve projects of a lesser nature without clearance from the ECC, i.e. sheds and small structures, low retaining walls, fences and other simple projects not requiring a Kern County building permit. The ECO shall report approved/disapproved small projects to the ECC and the report will be reflected in the ECC minutes.

#### SECTION 5.03 - RIGHT OF APPEAL

The right to appeal a recommendation of the Environmental Control Committee to the board will be granted a property owner. A hearing will be held at the next regular or special meeting of the board at which time the matter will be submitted to the board for decision.

#### SECTION 5.04 - DUTIES

The ECC shall meet each month for the purpose of carrying out the provisions of this code, shall review the actions of the ECO for the previous month and will concern itself with matters concerning the environment of PMC including the preparation of a comprehensive plan for environmental protection, education and growth at PMC. All actions of the ECC shall be in the form of recommendations to be forwarded to the board. When a

recommendation must be rendered by the ECC and extenuating circumstances render it impossible for a quorum to assemble, a recommendation may be made by a body composed of:

- A. Chair
- B. ECO
- C. A member in good standing appointed by the chair

After a hearing of the facts is presented, the chair shall inform all interested parties of their recommendation to the board. Neither the Association, the board or the ECC shall be liable for any damages for any decision under the EC code by reason of mistake in judgment, negligence or nonfeasance unless due to willful misconduct or bad faith.

#### SECTION 5.05 - RECOMMENDATIONS

The ECC is authorized to cause to be prepared written reports and recommendations concerning the maintenance of the environment at PMC, violations of this code, and any other matter of environmental concern to the property owners of PMC and the board.

#### SECTION 5.06 - ENVIRONMENTAL CONTROL OFFICER

The board shall cause the general manager (GM) of the Association to employ, or assume the responsibilities and duties of, an ECO to work in conjunction with the ECC. The duties of the ECO shall include but are not limited to:

- A. Advising and assisting the ECC in all matters of its concern.
- B. Establishing and maintaining an enforcement system intended to ensure compliance with the Association's governing documents related to environmental management. Such system shall include organized inspections of PMC properties and improvements, implemented procedures for ensuring prompt response to Association member complaints on environmental issues, investigation and identification of violations of the EC code and the other governing documents respecting environmental control, notification and consultation with affected owners and tenants to seek and ensure compliance with approved plans and specifications and with the EC code, the administration of fines or other disciplinary action as may be delegated by the GM, the administration of appeal actions and their resolution, and maintenance of files and records providing historical documentation of all environmental management considerations relative to any improved or unimproved lot, except for records of lot ownership, and as required herein or by the GM.
- C. Preparation for signature by the designated ECC member and the GM of written reports and recommendations for enforcement of the provisions of this code.
- D. Consultation with the GM of the Association to ensure compliance with board directives, to advise the GM of environmental matters and to assist the GM in the enforcement of the provisions of this code.
- E. Plan check and approve projects of a minor nature on Association and private properties and report all actions to the ECC on a monthly basis.

## ARTICLE VI - ENFORCEMENT

### SECTION 6.01 - RESPONSIBILITY

The Association shall promote and seek voluntary compliance by owners and their tenants with the environmental restrictions contained in the governing documents. However, if voluntary compliance cannot be achieved within a reasonable period of time based upon the scope of the project violation, the board may in its discretion, pursue and enforce any rights and remedies accorded in the governing documents.

### SECTION 6.02 - DISCOVERY OF VIOLATIONS

The GM may have the authority to cause the ECO to pursue discovery of violations of the EC code and other Association governing documents pertaining to environmental provisions by various means, including, but not limited to, the following:

- A. Routine inspection by the ECO.
- B. Verification of complaints received from residents after which the ECO may, in his discretion, become complainant of record and may have the original expunged from Association open records.
- C. Inspection of each lot to be conducted by the ECO within 60 days following registration with the Association of a new owner for said lot.
- D. Inspection of any lot at the request of the owner.
- E. Any special program that may from time to time be approved by the board which calls for inspection of some or all lots by the Association.

### SECTION 6.03 - FIRST NOTICE TO CORRECT VIOLATION

Any owner violating environmental restrictions in the governing documents shall be advised in writing of the violation and given a reasonable time, based upon the scope of the project violation, to voluntarily comply. Should voluntary compliance not be achieved, the owner may be subject to further disciplinary action in accordance with Association bylaws.

### SECTION 6.04 - CITATION PROCEDURE

- A. The GM of the Association shall be authorized to cause the ECO to investigate, prepare, and issue a written citation on violations of this code and the environmental provisions of the CC&Rs, the bylaws and the rules and regulations.
- B. The property owner and/or firm, corporation, person or persons violating this code shall be advised in any citation that further violation(s) of this code may result in legal action to enjoin the action in violation and/or to recover damages. The property owner and/or firm, corporation, person or persons in violation may then file a written notice of appeal pursuant to Article V, section 5.03 of this code and the Association bylaws, within ten (10) days of receipt of the citation.

### SECTION 6.05 - NON-COMPLIANCE WITH CITATION

Failing to obtain compliance within the period specified on the citations, or as directed by the board should an appeal be denied, may result in legal action by the Association against the property owner of record.