



Pine Mountain Club  
Property Owners Association, Inc.

# **Association Rule Article 21 Environmental Control Code**

**Ratified by Resolution 01-16-2021**

# Environmental Control Code

## Table of Contents

ARTICLE I - GENERAL .....	4
SECTION 1.01 - AUTHORITY .....	4
ARTICLE II - PURPOSE .....	4
SECTION 2.01 - PURPOSE .....	4
ARTICLE III - POLICY .....	4
SECTION 3.01 - DECLARATION OF THE BOARD OF DIRECTOR'S FINDINGS AND INTENT ...	4
SECTION 3.02 - DECLARATION OF THE BOARD OF DIRECTOR'S POLICY .....	4
ARTICLE IV - DEFINITIONS .....	5
SECTION 4.01 - ASSOCIATION (FOR THE PURPOSE OF THIS DOCUMENT) .....	5
SECTION 4.02 - ASSOCIATION PROPERTY .....	5
SECTION 4.03 - BOARD .....	5
SECTION 4.04 - BYLAWS .....	5
SECTION 4.05 - CHAIR .....	5
SECTION 4.06 - DEVELOPMENT .....	6
SECTION 4.07 - ENVIRONMENT .....	6
SECTION 4.08 - ENVIRONMENTAL CONTROL COMMITTEE .....	6
SECTION 4.09 - IMPROVEMENTS .....	6
SECTION 4.10 - MEMBER .....	6
SECTION 4.12 - NOTICE .....	6
SECTION 4.13 - OFFICE OF RECORDER .....	7
SECTION 4.14 - OWNER .....	7
SECTION 4.15 - PERFORMANCE DEPOSIT .....	7
SECTION 4.16 - PERSON .....	7
SECTION 4.17 - LOT .....	7
SECTION 4.18 - RESIDENCE .....	7
SECTION 4.19 - RESIDENTIAL LOT .....	7
SECTION 4.20 - RESTRICTIONS .....	7
SECTION 4.21 - ROAD .....	8
SECTION 4.22 - STRUCTURE .....	8
SECTION 4.23 - SUBDIVISION MAP .....	8
SECTION 4.24 - WATER COMPANY .....	8
SECTION 4.25 - MOBILE / MANUFACTURED HOME .....	8
SECTION 4.26 - MODULAR HOME .....	8
ARTICLE V - ENVIRONMENTAL CONTROL COMMITTEE .....	9
SECTION 5.01 - AUTHORITY .....	9
SECTION 5.02 - POWER .....	9
SECTION 5.03 - RIGHT OF APPEAL .....	9
SECTION 5.04 - DUTIES .....	9
SECTION 5.05 - RECOMMENDATIONS .....	10
SECTION 5.06 - ENVIRONMENTAL CONTROL OFFICER .....	10
ARTICLE VI - ENFORCEMENT .....	10
SECTION 6.01 - RESPONSIBILITY .....	10

SECTION 6.02 - DISCOVERY OF VIOLATIONS.....	11
SECTION 6.03 - FIRST NOTICE TO CORRECT VIOLATION .....	11
SECTION 6.04 - CITATION PROCEDURE .....	11
SECTION 6.05 - NON-COMPLIANCE WITH CITATION .....	11
SECTION 6.06 - VIOLATIONS DURING CONSTRUCTION AND/OR UPON COMPLETION OF AN IMPROVEMENT .....	11
SECTION 6.07 - PENALTIES FOR NON-COMPLIANCE .....	12
ARTICLE VII –PROCESSES, REQUIREMENTS & PROVISIONS.....	12
SECTION 7.01 - FEES AND PERMITS .....	12
SECTION 7.02 - PLANS, REQUIREMENTS AND APPROVAL .....	13
SECTION 7.03 - NEW CONSTRUCTION SITE INSPECTIONS .....	13
SECTION 7.04 - FENCES, WALLS, AND HEDGES .....	13
SECTION 7.05 - SETBACK .....	14
SECTION 7.06 - TEMPORARY STRUCTURES USED DURING CONSTRUCTION .....	15
SECTION 7.07 - PARKING OF MOBILE AND PREFABRICATED STRUCTURES .....	15
SECTION 7.08 - EXTERIOR LIGHTING .....	15
SECTION 7.09 - HOLIDAY DECORATIONS AND DECORATIVE FLAGS OR BANNERS .....	16
SECTION 7.10 - STORAGE FACILITIES AND CLOTHESLINES .....	16
SECTION 7.11 - ANTENNAS .....	16
SECTION 7.12- COLOR AND BUILDING MATERIAL OF STRUCTURES AND WINDOWS .....	16
SECTION 7.13 - HAZARDS .....	17
SECTION 7.14 - REFORESTATION.....	17
SECTION 7.15 - ASSOCIATION PROPERTY .....	17
SECTION 7.16 - RESTRICTION OF ENTRY ONTO LOTS .....	18
SECTION 7.17 - MAINTENANCE OF LOTS .....	18
SECTION 7.18 - NUISANCE AND NOXIOUS ACTIVITIES .....	20
SECTION 7.19 - CAMPING .....	20
SECTION 7.20 - PETS .....	20
SECTION 7.21 - SIGNS .....	20
SECTION 7.22 - VEHICLES .....	21
SECTION 7.23 - DESTROYED STRUCTURES .....	22
SECTION 7.25 - COTTAGE INDUSTRIES .....	22

# **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 (ECC) 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 during the escrow process of a sale, to bring any violations to the seller and buyer's attention, prior to change of ownership.
- 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.

## SECTION 6.06 - VIOLATIONS DURING CONSTRUCTION AND/OR UPON COMPLETION OF AN IMPROVEMENT

- A. If, at any time during the construction activity, a violation of a provision(s) from the applicable governing document or a deficiency not in accordance with plans submitted by the owner and approved by the ECC occurs, the ECO shall provide notice to the owner or owner's representative with a reasonable deadline, based upon the scope of the project, to correct the violation or deficiency. If the owner fails to take corrective action within the time limit given, the Association may undertake action to correct the violation and charge the owner as specified in paragraph 6.06 C below.

B. If any violation or deficiency is deemed by the ECO to constitute 1) an immediate and unreasonable infringement of, or threat to, the safety or quiet enjoyment of neighboring owners, 2) a traffic or fire hazard, or 3) a threat of material damage to, or destruction of, Association property or facilities, the Association may undertake immediate corrective action and charge the owner as specified in paragraph 6.06 C below.

C. Should the Association be required to take corrective action as described above, the charge for such action shall be the actual cost incurred plus an additional fee to cover the Association's administrative costs incurred in causing the violation to be corrected.

D. If the owner fails to pay the charge assessed as specified above within fifteen (15) days of receipt of the bill, the performance deposit shall be used in whole or in part for that purpose. If the performance bond is insufficient to meet the owner's obligation under this section, the delinquent amount shall be the personal obligation of the owner.

E. If, upon completion of the final inspection, a violation of an applicable governing document is established or a deficiency not in accordance with plans submitted by the owner and approved by the ECC is identified, the ECO shall provide written notice to the owner or owner's representative with a reasonable deadline, based on the scope of the project violation, to correct the violation or deficiency. If the owner fails to take corrective action within the time limit given, the Association may undertake action to correct the violation and charge the owner as specified in paragraph 6.06 C above. The owner may request, in writing, an extension to the time allowed for compliance. The extension, if permitted, shall be verified in writing by the ECO and shall include a new date for compliance. If the violation or deficiency is of a nature as listed in paragraph 6.06 B above, the Association may undertake immediate corrective action and charge the owner in accordance with paragraph 6.06 C above.

f) In addition to any charges pursuant to provisions above, any portion or the entire amount of the performance deposit may be subject to forfeiture to the Association and shall not be returned to the owner if construction of any improvements is found to be not in compliance with the repair or cleanup requirements of section 7.03 (B) of this code after 30 days following the first final inspection. The Association shall be authorized to utilize any or all of the performance deposit, if forfeited, in any manner deemed appropriate by the board to cover the costs incurred by the Association to remedy any violation of the owner under the this code and the governing documents, subject to the conditions of the Association bylaws.

## **SECTION 6.07 - PENALTIES FOR NON-COMPLIANCE**

The board shall establish a schedule of fines and/or penalties appropriate for specific violations in accordance with article 2 of these Association rules.

## **ARTICLE VII –PROCESSES, REQUIREMENTS & PROVISIONS**

### **SECTION 7.01 - FEES AND PERMITS**

Prior to commencing construction or alterations on any lot, the owner of record, or his/her authorized agent, shall submit both of the following:

A. A statement authorizing the ECO and members of the ECC access to the owner's property until the owner has successfully met the requirements of the ECO's final inspection.

B. A plot plan and two full sets of construction drawings as defined in the building package together with the applicable fees. The building package is available in the EC office.

## SECTION 7.02 - PLANS, REQUIREMENTS AND APPROVAL

No building, mobile home, modular building, prefabricated unit, garage, shed, patio, fence or other structure shall be constructed, erected, altered, remodeled, placed, maintained or be permitted to remain on any lot in the tract or any portion thereof until two complete sets of plans and specifications, shall have been submitted to, and approved in writing by the ECC, as detailed in the building package, available in the EC office and on the Association website. The accuracy of the data provided is the sole responsibility of the property owner. Construction activities are limited to 7 am to 7 pm, Monday thru Friday and 8 am to 7pm on weekends. Exceptions to these time periods must be approved by the Environmental Control Officer.

## SECTION 7.03 - NEW CONSTRUCTION SITE INSPECTIONS

A. For each new construction project there shall be a minimum of three inspections conducted by the ECO:

1. A preliminary inspection before plan approval.
2. Inspection of the foundation construction before pouring occurs. The owner is responsible for notifying the ECO at least 24 hours prior to pouring the foundation.
3. Final inspection including site cleanup.

B. The final inspection will occur after construction is completed and final site cleanup has occurred. As a minimum, the following items shall be completed before the final inspection:

- . Exterior conformity to plans
- . Material usage and color conformity to plans
- . Screening of propane tank
- . Grading and erosion control
- . Removal of debris and final site cleanup
- . Easement encroachment or destruction mitigation.
- . Utility boxes
- . Repair of damage to adjoining property
- . Installation of house numbers
- . Any other conditions of approval presented at the time of permit approval by the

ECC.

C. In the event that the final inspection lists violations or deficiencies, the provisions of article VI, section 6.06 shall apply.

D. If additional or repeated inspections are required due to failure to make corrections in a timely manner, or due to repeated or continued violations, then the owner shall be charged a fee for each additional inspection. Any such fee shall be reasonably related to the costs and time expended by the Association to secure the owner's compliance with approved plans and specifications and with the EC code and the governing documents. Additionally, any such fee shall be deducted from the owner's performance deposit and shall be in addition to any other charge or cost as shall be incurred in the enforcement of these codes.

## SECTION 7.04 - FENCES, WALLS, AND HEDGES

A. No fence, wall or hedge shall be planted, erected, located or maintained upon any lot in such a location or at such height as to unreasonably obstruct the view from any other lot or lots.

- B. All fencing constructed upon any lot shall be made of products having the appearance of wood and be of an approved color.
- C. All fences must be reviewed and approved by the ECO prior to construction.
- D. Request for the installation of a fence that is over five feet (5') high will require a request for variance to be submitted to the board for consideration. A request for variance requires an additional non-refundable fee and postage as necessary, payable at the time plans are submitted.
- E. A plot plan must be furnished to the ECO showing the proposed fence location, all existing structures on the lot (with full dimensions), the fence style to be utilized, and the finish to be applied.
- F. Fences shall be maintained in good condition and repair at all times.
- G. A site inspection shall be conducted by the ECO after the plans are submitted. Stringing of the lot is required prior to this inspection so that placement is explicit.
- H. Chain link fences are not permitted on residential lots.
- I. Existing fences will be required to meet these criteria whenever a fence is replaced, or greater than 60% of the fence needs repair. Fences, as well as other structures, come under the requirements of section 4.1 of the CC&Rs.
- J. Approval by ECC **does not** constitute approval by the County of Kern, Planning and Community Development. The property owner needs to contact the County of Kern to determine what, if any, approvals and fees are required for a specific project.
- K. Neither the ECC nor the Association is responsible for the location of fences, buildings, or other structures in relation to easements, rights-of-way or licenses of any kind or nature. Approval by the ECC of any application or plan does not constitute review or approval of the location of any fence, building or structure in relation to easements, rights-of-way or license. All fences, buildings and other structures are located at the owner's sole risk and should be surveyed by a qualified licensed surveyor.
- L. Electric fencing is not permitted excluding pet parameter electric fences.

## SECTION 7.05 - SETBACK

- A. If, due to the shape or topography of a lot, a member desires to install improvements so close to any boundary line of the lot that it would violate the setback requirements of paragraphs 4.8 (a) (b), 4.9 (a) (b), 4.10 (a) (b) of the CC&Rs, the member may present a plot plan of the proposed location and the full plans and specifications to the ECC together with such contour maps as may be required by the ECC. If the ECC should determine that the desired location is of prime importance to the convenient and beneficial use of the lot and that, in light of other circumstances, including the proposed plan, the improvement so located will not be unduly detrimental to the development or to adjoining properties, the ECC may submit in writing a recommendation for variance to waive the setback requirements of this code, along with the proposed location and the plans and specifications submitted, to the board for review and approval. Any such approval shall not relieve the member from obtaining any required governmental consent or approval. Provided, further, that such approval by the ECC shall not relieve the owner from obtaining the consent and approval, when necessary, of the appropriate department or commission of the County of Kern. The application for variance requires an additional non-refundable processing fee and postage as necessary.
- B. When plans are submitted to the ECC for construction of any structure or improvement, on any lot within the development, whereby a variance is requested for the set-back requirements as specified in paragraphs 4.8 (a) (b), 4.9 (a) (b), 4.10 (a) (b) of the CC&Rs, a complete survey of the lot by a licensed land surveyor must be submitted with the plans. The cost of the survey will be paid by the owner of the lot. In those cases where a variance is requested, plans will be considered incomplete until the report of a licensed land surveyor is provided. Fees and plans will not be accepted if incomplete.

C. Note that for any landscaping or any structure (i.e. tree, bush, plant, retaining wall, fence, lights, etc.) that are placed, erected, or installed on Association right-of-way or any setback bordering a road, the property owner shall indemnify and hold the Association and its directors, officers, agents, and employees harmless from any damage that might occur as the result of street maintenance, snow plow or road work, or any other activity or work undertaken by the Association pursuant to the governing documents. The property owner takes full responsibility for any damage to Association equipment or injury to Association directors, officers, agents, or employees resulting from the placement of the landscaping or structure.

#### SECTION 7.06 - TEMPORARY STRUCTURES USED DURING CONSTRUCTION

No shed, tent, garage or recreational vehicle (RV) shall at any time be used as a residence temporarily or permanently upon any part of said property. During the period of construction of a permanent structure, an RV may be permitted for a maximum of six months. Permission must be obtained from the ECO. Upon request, a six-month extension may be granted by the ECO.

#### SECTION 7.07 - PARKING OF MOBILE AND PREFABRICATED STRUCTURES

No mobile or prefabricated home may be parked on Association roads during the period awaiting permanent installation. The Association may charge a storage fee for any structure parked at an Association storage facility.

#### SECTION 7.08 - EXTERIOR LIGHTING

Exterior lighting shall mean all outdoor lighting fixtures, decorative, landscaping, and safety lighting. In order to preserve and enhance the unique qualities of PMC's visual environment, the ECC shall require regulated and properly installed outdoor lighting. Good lighting design increases safety, respects the privacy of neighbors, is energy efficient and minimizes the negative effects of sky glow and light trespass. Poorly designed lighting may compromise safety and interfere with neighbors' enjoyment of their lots.

Outdoor lighting in residential zones and outdoor lighting on real properties adjacent to residential zones shall be designed, installed, and operated so that it is compatible with the ambient lighting of the neighborhood in which it is located. Lighting shall be designed, installed, and operated to control glare, prevent light trespass onto adjacent areas, minimize direct upward light emission, promote effective security, and avoid interference with safe operation of motor vehicles. The minimum intensity needed for the intended purpose shall be used.

Above-grade lights for the lighting of trees and plants shall be concealed as much as possible by shrubs to prevent daytime visibility. They shall be installed and shielded so as not to produce glare into neighboring properties or the street. No flood type exposed filaments or bulbs will be allowed. No colored lamps will be allowed in outdoor fixtures. See section 7.09 for holiday decorations. All exterior wall-mount decorative fixtures are to be of high quality and in conformance with the residence architecture. The lighting of a driveway entrance should be compatible with the surrounding street levels of illumination and the number of fixtures shall be minimized.

Use dimmers, motion detectors and/or timers to ensure that lights are on only when needed.

The following use of exterior lighting fixtures shall be prohibited in PMC in residential areas:

- A. Street lights, mercury vapor and low-pressure sodium fixtures and lamps.
- B. Searchlights, laser lights, or similar high intensity outdoor lights except a special lighting event permit granted pursuant to section 7.09 of this code.
- C. Lighting fixtures mounted in such a way as to illuminate a roof or an awning.
- D. Lighting fixtures mounted to aim light only towards a property line.
- E. Lighting fixtures mounted in a way that is distracting to motorists or in a way that interferes with the safe operation of a motor vehicle, as may be determined by the ECO.
- F. Lighting that is blinking, moving or which changes in intensity except small temporary lighting fixtures installed and used only during periods as outlined in section 7.09 of this code.

## SECTION 7.09 - HOLIDAY DECORATIONS AND DECORATIVE FLAGS OR BANNERS

"Holiday decorations" shall mean and refer to any seasonal decorations. The purpose of these requirements for holiday decorations is to protect the aesthetic quality of the community.

- A. Winter holiday decorations may be placed on the lot or residence the weekend prior to the Thanksgiving holiday and must be removed no later than January 15.
- B. Decorations for other generally recognized holidays that occur during the year may be placed one (1) week prior to the holiday and must be removed within ten (10) days following the holiday.
- C. Decorative flags or banners may be displayed in the prescribed manner:
  - 1. Must be displayed from a pole affixed to the residence.
  - 2. Limited to a size not to exceed 15 square feet.
  - 3. No more than three (3) decorative flags or banner may be displayed at any one time.

## SECTION 7.10 - STORAGE FACILITIES AND CLOTHESLINES

All trash, rubbish and garbage receptacles, clotheslines and storage areas, maintenance equipment and every tank for fuel storage shall be screened from public view. All trash storage containers must be certified bear-safe or placed in a bear-safe area. Commercial receptacles are only allowed during construction and clean-up. Temporary storage units, dumpsters and PODS require ECO approval and will require a time line determined by the ECO.

## SECTION 7.11 - ANTENNAS

No exterior antenna or satellite dish of any sort shall be installed or maintained on any residential lot unless approved by the ECC. This restriction shall not apply to any antenna one (1) meter / (40") in diameter or less.

## SECTION 7.12- COLOR AND BUILDING MATERIAL OF STRUCTURES AND WINDOWS

- A. Colors used on structures and windows at PMC shall be of natural hues as approved by the ECC. Charts and/or chips of acceptable colors shall be maintained in the office of the ECO for public inspection. Property owner will provide sample of color(s) to be used on the structure. Such samples will be maintained in the appropriate tract and lot file in the office of the ECO.
- B. Exposed concrete walls, foundations exceeding twelve (12") inches in height and retaining walls must be faced or constructed with a decorative material. All material must be approved by the ECC.



- C. Manufactured and prefabricated structures that must be refinished regarding color to meet ECC regulations, must be refinished within thirty (30) days after installation. A fee will be levied by the Association for each day of non-compliance thereafter.
- D. Repainting of an existing structure requires a no-cost permit from the ECO. All colors must be selected from the approved color chart and be approved in writing by the ECO.
- E. All new and replacement roofing material must be fire retardant or fire proof per the Kern County Ordinance Code.

## SECTION 7.13 - HAZARDS

- A. Debris, dead weeds, rubberized landscaping material or any other hazardous fire condition shall not be permitted on any lot at any time. Slash, mulch or a similar material will not be permitted within five (5) feet of a residence, propane tank enclosure, or other structure with combustible exteriors, such as wood or vinyl. Commercial mulch shall not exceed 4" in depth for landscaping.
- B. A construction permit will not be issued where hazardous fire conditions exist.
- C. There shall be no exterior fires whatsoever except for barbeques in confined receptacles designed for such purposes. Pellet smokers and propane, charcoal, and electric barbeques are permitted with a minimum 15-foot clearance from combustible material. Residents shall take all reasonable precautions to minimize smoke and eliminate sparks.
- D. Ashes from barbeques shall not be discarded on the ground and must be allowed to completely cool, placed in a metal container and disposed of at the transfer site.
- E. Discharge of fireworks or firearms including, but not limited to, BB guns, paintball guns, air soft guns, pellet guns and any similar guns or equipment capable of propelling a projectile, is not permitted. (Exception: PMCPOA Patrol officers who are trained and authorized to use paintball guns for hazing of bears and wildlife as necessary.)

## SECTION 7.14 - REFORESTATION

Recognizing the high mortality rate of indigenous flora species at PMC, each tree and shrub removed from any lot or Association property shall be replaced as determined by the ECO. No tree exceeding 4" in diameter at 4' in height may be cut and or removed without written prior approval by the ECO.

## SECTION 7.15 - ASSOCIATION PROPERTY

The following restrictions shall apply to all Association property:

- A. The use of Association property shall be subject to all rules and regulations as are prescribed by the Association.
- B. The use thereof shall be subject to such easements and reservations of rights of the Association and the right of any owner of a lot to use a portion of Association properties for the location, construction, and maintenance of a leach line or leaching field required to serve said lot when the ECC has been furnished a written confirmation from the Health Department of the County of Kern that it is not reasonably possible to properly serve said location of such leach line or leaching field on the lot.
- C. There shall be no use of Association property which injures, erodes or scars the area or vegetation thereon, or increases the cost of maintenance thereof, unless expressly permitted by the Association.
- D. There shall be no hunting or discharge of firearms on any Association property.
- E. No improvement, excavation or work which in any way alters such property shall be made or done except upon strict compliance with the following provisions of this section.

F. With the exception of the water company, the Association, or an owner of a lot (by right of easement for leach line or leaching field), or a public utility or governmental agency (by right of easement), no person shall have the right to construct any improvement upon, or shall change the natural or existing drainage of, or shall destroy or remove any tree, shrub or other vegetation from, or plant any tree, shrub or any vegetation, upon Association property.

G. If the Association or any person or entity proposes to construct, reconstruct, or to refinish or alter the exterior of any improvement located or to be located upon the Association property, to make or create any excavation or fill, or to change the natural or existing drainage of surface waters, or to remove any trees, shrubs or ground cover, it shall not do so until a permit has been obtained from the ECC. The Association, person or entity proposing to do such work shall submit to the ECC for approval one set of final plans and specifications pursuant to this paragraph only if all of the following conditions have been satisfied:

1. If the plans are to construct any new improvement, including any alteration of the exterior appearance of any existing improvement upon Association property, the ECC finds that such improvement complies with the CC&Rs; and
2. That such improvement is reasonably necessary for any utility installation serving any property within the development or any property for which an easement has been reserved or granted by the Association; or is desirable in order to provide or improve access to; or is desirable to protect or preserve any property within the development; and
3. That in the case such improvement is a leach line or leaching field to serve a lot or lots, the ECC finds it necessary to properly serve said lot or lots by location of such improvement on Association property in order to provide said lot with an adequate sewage system; and
4. The ECC finds that the proposed work shall not materially prejudice the development or any owner in the use and enjoyment of this property.

## SECTION 7.16 - RESTRICTION OF ENTRY ONTO LOTS

No representative of the Association shall be permitted to enter onto a residential lot except at the invitation of a resident, or to go to the entrance of the primary dwelling, or as expressly permitted by law, or as stated below:

A. In an emergency situation as defined in California Government Code 4216 as amended, where there is an immediate threat to safety of residents or a threat of property damage, an authorized Association representative(s) may, but is not required to, enter onto a residential lot without prior notice to the owner.

B. By giving at least ten (10) days written notice to the member stating the purpose and the time of entry, an authorized Association representative(s) may enter a residential lot, but not a dwelling, for the purpose of determining compliance with the EC code as set forth in section 7.03, or to perform necessary maintenance or repairs to the Association's property. Notice may be personally delivered or mailed by first class mail to the owner's address of record, unless the owner has specified in writing a different location for notices to be sent.

C. An authorized Association representative(s) may enter onto a residential lot in accordance with any lawful order of a governmental entity directing the Association to do so.

The right of entry shall be exercised in such a manner as to avoid any unreasonable or unnecessary interference with the possession, use and enjoyment of the lot by its owner.

## SECTION 7.17 - MAINTENANCE OF LOTS

It is the Members sole responsibility to, and they shall, maintain their lots and all improvements in a neat, clean and sanitary condition and in good repair and in such manner as not to create a fire hazard or create a public nuisance. Vegetation on any lot shall be planted and maintained in such a manner as to prevent or retard erosion and to encourage the growth of indigenous ground cover.

## SECTION 7.18 - NUISANCE AND NOXIOUS ACTIVITIES

No noxious or offensive activity shall be allowed upon any lot, nor shall anything be done or placed thereon which may be or become a nuisance, or cause unreasonable embarrassment, disturbance, or annoyance to other owners in the enjoyment of their lots or the Association property. Without limiting any of the foregoing, no exterior speakers, horns, whistles, bells, or other sound devices, except security devices used exclusively to protect the security of the lot and its improvements, shall be placed or used upon any lot without the prior written approval of the Association.

## SECTION 7.19 - CAMPING

Camping will be allowed in designated campgrounds only.

## SECTION 7.20 - PETS

A reasonable number of pets may be kept provided it does not create a nuisance or offensive odor or disturbance to neighbors so as to interfere with the enjoyment of life or property. A reasonable number shall be defined as the number that does not create a noxious or offensive activity.

## SECTION 7.21 - SIGNS

A. House numbers are required and shall be at least 3 inches in height and placed on the house facing the street. If the numbers are not visible from the street, an additional set shall be placed on a signpost, fence, mailbox, etc., so as to be visible from the street.

B. Legal procedures: Signs required by legal procedures are permitted but, unless specified by law, they will be restricted to one (1) square foot. Prior to posting the sign, the person posting a "legal procedure" sign shall furnish the EC office with a copy of the legal procedure.

C. Construction: During the time of construction of any improvement, job identification signs are permitted. These signs shall: 1) have a maximum face area of six (6) square feet, and 2) be of the type usually employed by contractors and sub-contractors. A maximum of three signs may be posted on one lot.

D. Approval: No signs may be erected until both of the following are obtained: 1) approval by the ECC and the board of directors and 2) issuance of a Kern County building permit. The ending date for construction is the date of the ECO final inspection. All construction signs must be removed at that time.

E. For sale and for rent: Not more than one "for sale" or "for rent" sign, having a maximum face area of one (1) square foot, is permitted on each lot or residence. The signs are to be removed on the date of rental, the date escrow closes or the date the listing expires. This is applicable whether the offering is by owner or by a real estate company or other agent.

F. A maximum of four (4) "open house" signs, needed to designate a single route to the property, is permitted. These signs may be of the "tent-style", having a maximum face area (on each side) of four (4) square feet. The signs must be removed by sunset each day.

G. Security signs: The posting of a security system sign is approved and is considered a crime deterrent. No such sign will be permitted, however, if it is for the sole purpose of advertisement.

H. Political and Campaign signs: Political signs and electoral campaign signs may be placed on Association property that is adjacent to private property. In no event shall political signs be placed on

Association common property. Signs will be restricted to 12" x 18". Electoral campaign signs must be removed within 48 hours after the election results.

I. Other signs: All other signs are not permitted unless approved in writing by the ECC. This includes vehicle "for sale" signs in or on any vehicle.

J. Noncommercial signs or flags on private property: Noncommercial signs or flags on private property must comply with California civil code §4705 and 4715.

K. Sign material and rules for posting: All commercial signs that will be posted longer than three days must be of a durable material, such as metal, plastic or wood. An ECC approved noncommercial sign, poster, flag, or banner may be made of paper, cardboard, cloth, plastic, or fabric and may be posted or displayed from the yard, window, door, balcony, or outside wall of the separate interest, but may not be made of lights, roofing, siding, paving materials, flora, or balloons, or any other similar building, landscaping, or decorative component, or include the painting of architectural surfaces. Temporary signs for a party or a yard sale may be of cardboard or heavy construction paper. Signs cannot be attached to trees, telephone poles, mailboxes or any other structure in any manner. Signs must be self-supporting, as on their own wooden stake. Banners, rope banners, or "flag" signs used for advertising purposes, are not permitted.

L. All signs posted contrary to these rules will be removed by the ECO or PMC patrol and will not be returned.

## SECTION 7.22 - VEHICLES

A. All inoperable motor vehicles shall be stored wholly within an enclosed garage or off the property. "Inoperable" shall be defined by California vehicle code §22658.a.3 and Kern County code of ordinances §10.28.030, as they may be amended.

B. Car covers are permitted if earth tone in color, maintained in good condition, designed to cover the vehicle, remain in place during a high wind event and all other aspects of section 7.17 are complied with. All debris must be kept clear from under the vehicle, i.e. leaves, cobwebs, trash, oil and fluids.

C. No vehicle work shall endanger the safety or infringe on the rights of other members of the community.

D. Commercial vehicles and recreational vehicles (as those terms are defined below) shall be subject to the following prohibitions and restrictions:

1) As used herein, the term "commercial vehicles" shall be defined as stated in section 5.11 of the CC&Rs. With the exception of personal vehicles with reasonable sized door, window or panel decal, but in no case can each decal be larger than 1000 square inches and be no more than three per vehicle. A commercial vehicle may only be temporarily parked on the lot or the street during the time the operator of the commercial vehicle is delivering goods or is providing services to the owner or occupant of the residence. Personal vehicles with advertising decals may be parked on the property, but in no case can any advertising decal be larger than 200 square inches (e.g. 12" x 16.6") and no more than three such decals on any personal vehicle. If a personal vehicle has any advertising decal larger than 200 square inches and/or more than three (3) decals as described above, it must be screened from view by an earth-toned cover or tarp, anytime it is parked on the property.

2) As used herein, the term "recreational vehicle" shall include, without limitation, motor homes, buses, trailer coaches, trailers, all-terrain vehicles, dirt bikes, boats or other watercraft, aircraft or campers and other similar vehicles and equipment.

3) It is preferred that all recreational vehicles be stored at a location outside the community or at a designated site on Association property. However, such vehicles may be stored on an owner's property provided they are not stored in the front setback and are completely screened from view

from the street and neighboring lots. The screening may be any combination of materials provided it is in keeping with the visual environment and properly maintained. All proposed screening of such vehicles must be approved, in writing, by the ECC prior to construction.

4) Recreational vehicles owned by a homeowner or occupant of a lot may only be parked in front of the homeowner's or occupant's residence while the recreational vehicle is being loaded or unloaded for a period not to exceed forty-eight (48) hours in any seven (7) day period.

5) Recreational vehicle covers are permitted if earth tone in color, maintained in good condition, designed to cover the vehicle, remain in place during a high wind event and all other aspects of section 7.17 are complied with. All debris must be kept clear from under the vehicle, i.e., leaves, cobwebs, trash, oil and fluids.

## SECTION 7.23 - DESTROYED STRUCTURES

No improvement which has been partially or totally destroyed shall be allowed to remain on any lot in such state for more than six (6) months from date of destruction.

## SECTION 7.24 - YARD SALES

Property owners must apply for a permit, issued by the ECO, to conduct a yard sale. Upon approval of the ECO, the sale may be conducted subject to the following rules:

- A. No more than two (2) yard sales are permitted, per lot, per calendar year.
- B. One sign, having a face area of one (1) square foot, is permitted on each lot. A maximum of four (4) directional signs, having a maximum face area of one (1) square foot, are permitted on PMC property (road easement or right of way). All signs must be in black lettering on white background. Other colors are not permitted. All signs must be self-supporting such as on a wooden stake. No sign shall be attached to sign posts, telephone poles, mailboxes, trees or any other structures. All signs posted contrary to these rules will be removed by the ECO or PMC patrol and will not be returned.
- C. Yard sales can be no longer than three (3) consecutive days.
- D. All yard sale items must be removed from public view at the end of the final sale day.
- E. All signs must be removed at the end of the final sale day.
- F. Yard sales can be conducted only between the hours of 9:00 a.m. and 5:00 p.m.

## SECTION 7.25 - COTTAGE INDUSTRIES

- A. No gainful occupation, profession or trade shall be maintained on any lot or in any structure on any lot without the prior approval of the ECC.
- B. The ECC shall have the power and authority to approve or disapprove of any cottage industry or home occupation, based on the following:
  - 1. All cottage industries or home occupations must conform to the requirements of chapter 19.94.020 of the Kern County zoning ordinance and any changes thereto, as adopted by the County of Kern.
  - 2. Applicants for cottage industry permits shall make application to, and obtain approval from, the ECC and, if required, Kern County Planning and Community Development and provide the documentation to PMCPOA prior to the commencement of any cottage industry.
  - 3. Cottage industries shall post no signs, posters, or other advertising on the lot on which the cottage industry is permitted.

4. Parking on the lot shall be limited to a maximum of three customer cars at any time, and no parking shall occur on PMC streets.
5. All cottage industry permit holders shall, from time to time, submit reasonable information regarding their activities upon request of the ECC or the board.
6. Cottage industry permits are subject to revocation upon recommendation of the ECC and approval by the board in the event of a violation of CC&Rs, Association bylaws, EC code or Association rules and regulations.
- 7) Written notice of violation of PMCPOA rules will be issued to the owner of the lot where a cottage industry is being conducted, in the event of violation as they relate to the activities of a particular cottage industry.
- 8) Appeals of Association permit conditions, permit denials or permit revocation may be filed, within 30 days of such action, to the board.

ENVIRONMENTAL CONTROL CODE RATIFIED BY THE PINE MOUNTAIN CLUB PROPERTY OWNERS ASSOCIATION BOARD OF DIRECTORS ON JANUARY 16, 2021.

Ratified January 16, 2021

  
\_\_\_\_\_  
Corporate Secretary  
PMCPOA

  
\_\_\_\_\_  
General Manager  
PMCPOA