



## **2018 CONSERVANCY REGULATIONS**

**For homeowner regulations within Promontory, in addition to the below, owners should reference the *Declaration of Covenants, Conditions and Restrictions* for Promontory, along with the *Design Guidelines*. These documents, along with other important Conservancy-related information, can be found at [www.promontory.club.com](http://www.promontory.club.com) by clicking on the “Conservancy” link.**

### **INFORMATIONAL ITEMS**

All owners of property within Promontory are encouraged to go to the Promontory Club’s web page at [www.promontory.club.com](http://www.promontory.club.com) to view the Conservancy’s web page (see the “Promontory Conservancy” link) with the latest information regarding the Conservancy (i.e. USU Partnership and Promontory Wildlife study, our partnership with Wild Aware Utah, *Design Guidelines* and *CCR*’s, trail map, snow removal map, Board of Directors, upcoming meetings, snowplowing, Promontory’s architectural review and construction process, the 2017-18 Conservancy shuttle system schedule and emergency contact information).

You may provide the Conservancy with your email address to begin receiving Promontory’s weekly community News updates. Often these “e-blasts” include important information regarding upcoming Conservancy meetings and pertinent community-wide rules, procedures, standards, events and programs. Please email Joe Ellis at [jellis@promontoryclub.com](mailto:jellis@promontoryclub.com), and provide your name, lot number (or site address) and your best email address to be added to the Conservancy’s email list.

The Promontory Conservancy staff work hard to ensure that every property owner at Promontory has a voice, and that all concerns and needs are met. We want you to know who to call for your needs—at all times! The following contact information is for Promontory owners to use for questions related to the community:

### **2018 Conservancy Staff and Contact Information**

- ❖ **Direct Inquiries: [conservancy@promontoryclub.com](mailto:conservancy@promontoryclub.com)**
  - **Director of Owner Services: Joe Ellis, [jellis@promontoryclub.com](mailto:jellis@promontoryclub.com), (435) 333-4014 and/or (435) 602-0420.**
    - All community-related questions, including:
      - snow plow/traffic emergencies
      - traffic policies, patrol, and parking
      - shuttle services
      - mailbox set up

- lot sign ordering
- general community rules and policies.
- For a serious snow removal concern, you may also email: [snowremoval@promontoryclub.com](mailto:snowremoval@promontoryclub.com).
- **Director of Legal Services: Logan Finlayson, [lfinlayson@promontoryclub.com](mailto:lfinlayson@promontoryclub.com), (435) 333-4063.**
  - All inquiries regarding Promontory’s *CCR*’s and *Use Restrictions, Design Guidelines*, specific property encumbrances, residency-related forms, and/or any written correspondence you have directly received from the Conservancy.
- **ARC Inspector: Dan Cobb, [dcobb@promontoryclub.com](mailto:dcobb@promontoryclub.com), (801) 623-0487.**
  - Homesite construction questions/concerns and scheduling construction inspections
- **Director of Operations: Aaron Trammell, [atrammell@promontoryclub.com](mailto:atrammell@promontoryclub.com), (801) 623-0487**
- **ARC Representative: Christine Morr, [cmorr@promontoryclub.com](mailto:cmorr@promontoryclub.com) (435) 333-4230**
  - Design Review related questions and/or inquiries
- **Executive Director: Shawn Potter, [spotter@promontoryclub.com](mailto:spotter@promontoryclub.com), (435) 333-4228.**
- ❖ **Conservancy Board Members:**
  - Scott Hardman, [scott@rshardmanbuilding.com](mailto:scott@rshardmanbuilding.com)
  - John Irvine, [jirvine@porterhedges.com](mailto:jirvine@porterhedges.com)
  - Stephen Lees, [slees@promontoryclub.com](mailto:slees@promontoryclub.com).
  - Mike Coopman, [mcoopman@promontoryclub.com](mailto:mcoopman@promontoryclub.com).
  - Shawn Potter, [spotter@promontoryclub.com](mailto:spotter@promontoryclub.com).
- ❖ **For non-Conservancy, Club-facilities related emergencies, please call Promontory’s Facilities Director, Jim Byler, [jbyler@promontoryclub.com](mailto:jbyler@promontoryclub.com), (435) 901-3059.**
- ❖ **Equestrian Gatehouse: 435-333-4035**

## **TRAFFIC AND SECURITY-RELATED ITEMS**

**Gatehouse Security Services:** To access the electronic gatehouse management program, please visit [www.promontory.club](http://www.promontory.club) and click on “Gatehouse Management.” If you have questions about how to use this program, please contact **Joe Ellis at (435)-333-4014** or email at [jellis@promontoryclub.com](mailto:jellis@promontoryclub.com). Please note that the gatehouses require all guests visiting Promontory be issued a Guest Pass generated from the gatehouse software *prior* to the guest’s visit.

**Traffic Violations:** Please be aware that many Promontory owners, while walking or biking must often use the main roads. Additionally, all owners should watch for wildlife roaming on roads, especially in the evenings. All owners are asked to watch their speed on Promontory roads and to stay alert for bikers, pedestrians and wildlife. Any member, guest, owner, construction-related employee, materialman, or other person visiting and/or working at a Promontory homesite is subject to the Conservancy’s traffic policies. Speed limits must be obeyed at all times and will be enforced. On the first traffic violation a \$100 fine will be assessed. If another traffic violation occurs within the same calendar year, the fine for the second violation is \$250. If a third traffic violation (and every violation thereafter) occurs within the year for an owner or for any person(s) visiting or working at such owner’s site, a \$500 fine will be assessed to the owner’s Conservancy account. The Conservancy may, in its discretion, take the violator’s gate pass until the fine is paid.

**Motorized Vehicles at Promontory:** Any and all vehicles driven on Promontory roadways (with the sole exception of Conservancy and Club trail and golf maintenance equipment) must be properly registered and licensed with the State of Utah. All vehicles driven on Promontory Roadways must be driven by a licensed driver. Although they are gated, Promontory's streets are made subject to the traffic laws of the State of Utah by these rules. Traffic laws may be enforced by the Summit County Sheriff's Department and violations are also subject to penalties imposed by the Conservancy. ATV's, four-wheelers, and the like shall never be driven on Promontory's open space, trails and/or golf courses.

**Engine Brakes:** Trucks or large vehicles with compression-release engine brakes may not use these when driving on Promontory roads. These brakes are noisy and disturbing to golfers and owners in residence. The Conservancy will issue violations as appropriate as part of its three-strike traffic control policy.

**Construction Parking:** All construction vehicles must always be parked within the building envelope for a homesite. Builders shall not park on, or otherwise use, undeveloped portions of Homesites, Open Spaces, Common Areas, or roadways. The Architectural Review Committee, may, in its sole discretion approve temporary overflow construction parking in specified locations and for specified time periods. All requests for the same must be made to and pre-approved by the Architectural Review Committee through the submittal of a proper written request for such temporary parking or pre-approval by an ARC representative of the Construction Site Plan and Schedule allowing for overflow parking in specified locations and for specified time periods. Such vehicles are always subject to immediate relocation if their parking becomes an issue. See schedule of fines hereinbelow.

**Recreational Vehicle Parking:** Buses, non-conventional or oversized trucks, motor homes, campers, boats, trailers, motorcycles, or any other motorized vehicle other than a conventional automobile, must be stored and/or parked within an enclosed garage, so they are completely hidden from view. Any outside parking of motor homes, buses, or any other large recreational or non-conventional vehicles is prohibited at *all* times within Promontory, even when loading and unloading.

As a general rule, no on-street parking will be permitted at Promontory. Upon written request by the owner of a Lot, the Conservancy may, in its sole discretion and on a case-by-case basis, **pre-approve** temporary, non-construction related parking and/or on-street parking by guests (i.e. landscaping maintenance, party guests, etc.). Parking on the street may be ticketed by the Conservancy and may warrant a fine in the amount the Conservancy, in its sole discretion, deems appropriate. Any such ticket and/or fine will become a lien upon the Lot which the person(s) responsible for the inappropriately parked vehicle are visiting. Certain parking spots are available for Owners' oversized vehicles on a first come first served basis in the Equestrian Center Parking Area for a fee of \$75.00/week for a maximum of six weeks. Oversized parking passes must be obtained from the Equestrian Gate staff who will identify the parking spot for the Owner to use.

For an owner to obtain a temporary gate pass to use a non-conventional vehicle for loading and unloading purposes only, they should call Joe Ellis at (435) 333-4014 or (435) 602-0420 or email [jellis@promontoryclub.com](mailto:jellis@promontoryclub.com) or [conservancy@promontoryclub.com](mailto:conservancy@promontoryclub.com) for pre-approval by the Conservancy, and should then obtain their one-hour pass from the Equestrian Gate upon entry into Promontory.

**See schedule of fines hereinbelow.**

## **HOMESITE CONSTRUCTION**

**Construction Gate Hours and Access:** Please be aware of the following important dates and times. Note that all third party construction and landscaping activity is prohibited on Sundays at Promontory.

1. **Construction Hours/Gate Access:** 7 a.m. – 6 p.m., Monday – Saturday, closed Sunday. All construction activity generating any outside noise (i.e. hammering, sawing, excavation work, concrete delivery, etc.) is limited to the hours of **7 a.m. to the earlier of 6 p.m. or sunset, whichever is earlier, Monday through Saturday.** Violations of this rule will result in a punitive fine against the owner of the property involved.
2. **Holiday Closings:** The Construction Gate at Promontory is closed on the following Federal Holidays including: Thanksgiving Day, Christmas Day, New Year’s Day, President’s Day, Memorial Day, Independence Day and Labor Day.

**Dust and Debris Control:** Promontory’s *Design Guidelines; Section 6.11* requires that owners cause their builders to effectively “control dust, debris, and noise which occur as a result of construction on the Homesite.” The Conservancy asks that owners and their builders please take appropriate measures to control the volume of fugitive dust emitted into the air when excavating, especially in windy working conditions (i.e. by using equipment such as a spit truck when necessary). Please understand that when builders are not properly watering and/or when member-complaints are received regarding high volumes of dust in the air, the Conservancy will notify the Utah Department of Environmental Quality, which could potentially close down construction on the offending Lot. The Conservancy appreciates your cooperation in this matter.

## **HOMESITE MAINTENANCE**

**Spring-Summer-Fall Overview:** The Conservancy is the fiduciary body charged with seeing that all Promontory homesites are continually maintained in compliance with Promontory’s *CCR’s* and *Design Guidelines*, and the Architectural Review Committee-approved plans for each homesite. The Conservancy Board will send notices of violation and take actions against owners of homesites who fail to maintain their homes and/or landscaping within the guidelines set out in these documents.

Remedial and/or punitive actions may be taken for failure to maintain landscaping in accordance with the documents and Committee-approved plans, failure to treat and remove noxious weeds/thistles, failure to treat brown tips on evergreens (which suggests they are diseased), failure to remove and replace any and all dead landscaping each year with that of a like kind and size, failure to maintain the exterior of the home in accordance with the documents and approved plans (i.e. siding stain condition, satellite dish painting, etc.) and/or failure to receive Architectural Review Committee pre-approval for any addition or modification to a home after Final Release issuance.

**The Conservancy Board and Covenants Committee have adopted the attached 2018 Enforcement Policy and Fine Schedule, which can also be accessed at [www.promontory.club](http://www.promontory.club) by clicking on “Conservancy.”**

**Landscaping and Contractor References:** For landscaping and/or contractor references in addition to those listed below, please email [conservancy@promontoryclub.com](mailto:conservancy@promontoryclub.com). Also, please remember any

changes to the homesite, such as house painting or landscaping, requires pre-approval from the Architectural Review Committee. You may email Christine Morr [cmorr@promontoryclub.com](mailto:cmorr@promontoryclub.com) to inquire about the approval(s) required.

1. **Noxious Weed Contractor:** Specialized Pest Control & Lawn Care ([www.specializedpestandlawn.com](http://www.specializedpestandlawn.com)). You may contact them at (435) 563-2643 or [office@specializedpestandlawn.com](mailto:office@specializedpestandlawn.com) to contract directly for weed control services. You may also call the Summit County Weed Control Department at (435) 336-3200 for further information about weed control services. Owners wanting to report an infestation of noxious weeds/thistle on Conservancy open space areas should email the location to the Conservancy at [conservancy@promontoryclub.com](mailto:conservancy@promontoryclub.com).
2. **Satellite Dish Painting:** Please contact Mark Nugen, at (801) 687-7501 or [menugen@gmail.com](mailto:menugen@gmail.com) to schedule an appointment. They will provide the paint, access and finish for \$85 per dish.

**Reminder Regarding Basketball Goals and Trampolines:** Please remember that for all freestanding basketball goals, the support posts must be painted so they blend unobtrusively into the surrounding visual background, and the backboard must be clear. Portable basketball hoops must ALWAYS be stored inside the garage when they are not being used. Please also remember that trampolines must always be pre-approved by the Conservancy and must be placed in a Committee approved location, recessed into the terrain and properly buffered as determined in the Conservancy's sole discretion.

**Reminder regarding Home Exterior Stain:** Upkeep of exterior stain and paint on homes within Promontory is required under the *CC&R's* and *Design Guidelines*. If you are planning to re-stain your exterior, it is very important that you use the same color stain and/or paint unless the Architectural Review Committee specifically approves otherwise. Please call Aaron Trammell (801) 623-0487 and/or Dale Ayers (435) 333-4230 to facilitate this approval.

**Reminder regarding Draperies in Promontory Homes:** All owners should remember that the *Design Guidelines* require all shutters and/or drapery linings which may be visible from the outside of the home to be neutrally colored. White is not considered a neutral color. Pre-approval by the Architectural Review Committee is required for any shutter/drapery addition to a home. Please call Dale Ayers at (435) 333-4230 to facilitate this approval.

## **WINTER-SPECIFIC INFORMATION**

**Snow Plowing:** Promontory full-time and part-time residents may purchase seasonal, monthly, or "as-needed" snow removal services for driveways and walkways. You may contact the Promontory concierge for a list of vendors whom you may wish to contact for these services. Please be sure to ask vendors about their equipment and methodology, as many use snow plows which may be cheaper to operate but may risk damaging a textured or colored driveway. You may also wish to ask if the vendors include sidewalks and a path to the doorway in their pricing.

1. The Conservancy's Contractor for snow plow service will be on-site at Promontory 24 hours in advance of an anticipated snow event and will use the most up-to-date 24-hour surveillance for weather monitoring at Promontory. To view the snow removal map for Promontory, please

visit [www.promontory.club](http://www.promontory.club), click on the “Conservancy” link and scroll down to the snow removal section.

2. Snow plow crews will continually monitor and remove snow and ice throughout ongoing storm conditions so as to keep Promontory’s roadways passable and in line with County and State public safety requirements. We fully anticipate their service to be both timely and thorough to exceed our minimum requirements.

**Important Winter Construction Parking Warning:** The Conservancy wishes to remind all Promontory owners with homesites under construction that it is especially important during the wintertime to see that all construction vehicles are within the site’s LOD at all times. Owners should make their contractors aware of the following:

1. Builders and subcontractors may not block traffic or snow plowing.
2. Builders and subcontractors may not park anywhere along Promontory Ranch Road or Ranch Club Trail, as this interferes with the plowing of these major thoroughfares.
3. Builders and subcontractors may not park in front of any completed homesite without the owner’s expressed approval.
4. Lot Owners and their builders are responsible for keeping their construction site(s) plowed for parking during winter.
5. Conservancy citations and fines will be issued where necessary. Add fine for violations. Vehicles will be towed at Owner’s expense.

## **OTHER COMMUNITY RULES AND FURTHER INFORMATION**

1. **2017-2018 Conservancy Shuttle System:** The Conservancy’s Shuttle System winter schedule will be effective December 15, 2017-April 16, 2018, in conjunction with ski resort operating seasons. To view this schedule and all 2017-18 pick-up/drop-off locations and times, please visit [www.promontory.club](http://www.promontory.club), click on the “Conservancy” link and scroll down to the shuttle information section.
2. **Holiday Decorations Reminder:** As the holiday season approaches, The Conservancy wants to remind you of a few rules regarding decorations, including lighting. Promontory asks that you keep your decorations within your lot’s building envelope and that you monitor them closely during inclement weather to ensure they remain intact. Please keep in mind that all décor be tasteful and of reasonable size and scope. Also, Summit County requires our community be mindful of using too much light so we maintain a dark sky. Finally, please be sure all holiday decorations on Promontory homes are taken down by **March 1st**.
3. **Respecting Promontory’s Trails:** The Promontory Conservancy continually works to maintain Promontory’s extensive trail system at a level superior to many in the Park City area and encourages member use and input regarding the trails. To view the current trail map for Promontory, please visit [www.promontory.club](http://www.promontory.club), click on the “General Information/maps” link and scroll down to the Promontory Trail Map section. A hike on Promontory’s trails should be a pleasurable experience for everybody, and as noted above, the Conservancy looks forward to sharing the gathered information with owners about wildlife and plant life points of interest along the trails. Please see the below *Conservancy Board Policy Regarding Pets* for important information regarding pets on trails and elsewhere at Promontory.
4. **Pets within the Community:** Please also be mindful that it is the Board’s responsibility, pursuant to the *CC&R’s* to take enforcement and/or punitive action against any owner whose

pet becomes a nuisance and/or hazard to neighboring owners. Please keep your pets on a leash and within your control at all times. If an owner has an immediate concern regarding a pet at large or otherwise, he/she should contact Summit County Animal Control at (435) 615-3985 or [animalcontrol@summitcounty.org](mailto:animalcontrol@summitcounty.org) or to notify the Conservancy Patrol at either gatehouse (Equestrian Gate: 435-333-4035/Promontory Main Gate: 435-333-4030). Please reference the attached *Conservancy Board Policy Regarding Pets*.

5. **Garbage Collection:** As garbage-collection day/time in our community is on Thursdays at 7 a.m., and many second-home owners may leave town mid-week, for a \$25 charge (per incident), the Conservancy staff will pick up owners' garbage cans from the front of the garage door and bring them to the street on Wednesday evening, and return the cans back to the garage areas after pick up on Thursday. Owners may call the Concierge to arrange for this service. The Board's policy is that any garbage bins that are still left on the road right-of-way adjacent to any Promontory residence at 12 p.m. on the Friday following garbage collection will be returned to the garage door by Conservancy personnel, resulting in a \$25 charge to the owner's Conservancy account.
6. **Recycling:** Summit County began providing residential recycling pick-up in Promontory, every other week (at the same time trash bins are emptied). To see details regarding this service and a calendar showing recycling pick-up in Promontory, please visit [www.promontory.club](http://www.promontory.club), and click on "Conservancy."
7. **Lot Signs:** You are not required to have a lot sign, but if your sign has been removed and you wish to order a new sign, you may do so by emailing Joe Ellis ([jellis@promontoryclub.com](mailto:jellis@promontoryclub.com)) with your lot number and the family name and city/state of residence you would prefer on your sign (for example, "Aspen Camp 22, The Johnson Family, Las Vegas, Nevada"). The physical street address will appear under the lot number on your sign, followed by the family name and city/state of residence. The Conservancy will then order the sign and install it on your Lot, after which \$100 will be assessed to your Conservancy account. If the information on the sign is incorrect and you wish to replace the name plate only for \$60, you may do so by emailing the correct information to Joe and indicating that you wish to replace the name plate on your sign only.
8. **Important Home Leasing Reminder:** As a reminder, homes at Promontory (other than those in the Cabins neighborhoods) are only zoned to allow residential leasing for terms longer than three months and all such leases must be pre-approved by the Conservancy Board. If you intend to execute any long-term leases with respect to your homesite, the Conservancy asks that you please provide the Promontory Conservancy Board of Directors with electronic copies (via email to [lfinlayson@promontoryclub.com](mailto:lfinlayson@promontoryclub.com)) of such long-term lease(s), so that the Board can properly and timely approve the same and ensure the required Conservancy addendum is executed in conjunction with such lease(s). Please keep in mind that homeowners in Promontory's non-Cabin neighborhoods who improperly advertise nightly and/or weekly rentals on Utah vacation websites or in other material are subject to Board enforcement and/or punitive action pursuant to the CCRs. **See attached 2018 Schedule of Fines for reference.**
9. **Home Business Rule:** Pursuant to the CCRs, any business being conducted within a residence is prohibited from the following: (1) being apparent by sight, sound or smell from outside the Residence (including parking along roadways), (2) becoming a nuisance, hazard, or threat to others, and (3) involving regular visitation of the Residence by clients, customers, suppliers or other business invitees, or utilizing door-to-door solicitation within the Community. **See attached 2018 Schedule of Fines for reference.**

**PLEASE ALSO SEE ATTACHED SPECIFIC ENFORCEMENT POLICIES**

- 1. Conservancy Enforcement Policy and Fine Schedule, adopted on October 10, 2012, and amended April 1, 2013, November 12, 2014, March, 2017, October 25, 2017, and February 2, 2018.**
- 2. Conservancy Pet Policy, adopted October 10, 2012.**
- 3. Holiday Lighting and Décor Policy, adopted May 9, 2013 & amended November 12, 2014.**
- 4. General Beach House and Saddle Lake Rules, adopted June 2017.**
- 5. Drone Flying Policy, adopted June 2017.**
- 6. Tubing Hill Policy, adopted October 25, 2017.**

**PROMONTORY CONSERVANCY ENFORCEMENT POLICY AND FINE SCHEDULE**

**EFFECTIVE OCTOBER 10, 2012 (amended April 1, 2013, November 12, 2014, March 2017)**

The Promontory Conservancy Board hereby institutes the following guidelines for violation notification, enforcement and assessment in order to carry out its duty to upholding Promontory’s Governing Documents (including the *Design Guidelines, Covenants, Conditions, and Restrictions (“CC&Rs”)*, and *By-Laws*, all as may be amended from time to time) justly and responsibly with respect to all Promontory homeowners.

Pursuant to the *Design Guidelines* and *CCR’s*, the Conservancy and/or a committee of the Conservancy may inspect Promontory homesites from time to time and issue a *Notice of Violation* or a *Notice of Noncompliance (“Notice”)* whenever necessary. Depending on the nature of the violation, the Architectural Review Committee (or a representative thereof) and/or Conservancy staff, on behalf of the Board or one of the Conservancy committees, may, pursuant to the *Design Guidelines, CCR’s*, and/or *By-Laws* give the alleged violator an opportunity to correct the violation prior to recommending an action be taken by the Board against the violator/homesite. In some instances, and in the sole discretion of Conservancy staff (with Board ratification where necessary) immediate action will be taken. A *Notice* sent by the Conservancy Board to a Promontory owner or person in violation shall always state the nature of the alleged violation and the proposed sanction to be imposed, along with the required corrections to bring the homesite into compliance within a timeframe mandated by the Board. In any case of fine institution, the fine will always be appealable by the violator(s) and/or owner(s) to the Covenants Committee and/or Board pursuant to and within time constraints set forth in the *CCR’s; Section 7.4* and the *By-Laws; Section 3.24*.

In instances of violations of the Governing Documents, notices will be sent in hard copy to the Owners (and sent via email where possible). Should there be a failure to correct the violation with the given timeframe, the Conservancy Director/staff, on behalf of the Board, will institute an enforcement/punitive sanction, fine, and/or action against the owner of the violating homesite or in some instances, against a different person causing the violation. The typical fines for the following violations have been ratified by the Conservancy Board as of the dates set forth above:

**SCHEDULE OF FINES**

- 1. Failure to Maintain Home Exterior Stain/Paint: \$2,500**



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|----|--|--|
| 2. | <b>Failure to Properly Maintain Homesite Landscaping</b><br>(i.e. dead/dying trees, unapproved and/or manicured lawns,<br>or any landscaping addition not having pre-ARC approval) | <b>\$2,500</b>   |
| 3. | <b>Failure to treat Noxious Weeds/Thistles:</b>  | <b>\$1,000</b>   |
| 4. | <b>Unpainted/Unapproved Satellite Dish:</b>  | <b>\$1,000</b>   |
| 5. | <b>Speeding/Failure to Stop/Improper Passing/other<br/>Traffic Violations:</b>   | <b>\$100-1<sup>st</sup> incident</b><br>\$250-2 <sup>nd</sup> incident<br>\$500 3 <sup>rd</sup> and +incidents |
|    | This will be reset annually.   |  |
| 6. | <b>Improper/Unapproved Parking:</b><br>Subject to increase per <i>CCR</i> 's, in the Board's discretion.<br>(including builders and subcontractors)                                | <b>\$250</b>   |
| 7. | <b>Construction Site Violations</b>  |  |
|    | a. Failure to clean construction debris (after warning and 48-hour notice):  | <b>\$100.00</b>  |
|    | b. Failure to keep dumpsters covered (after warning and 48-hour notice):   | <b>\$100.00</b>  |
|    | c. Failure to clean mud tracked on roads (after warning and 48-hour notice):   | <b>\$100.00</b>  |
|    | d. Failure to repair or patch damage to roads  | \$TBD actual cost of repair  |
- If the construction site violations are not timely cured, the fines will increase by \$500.00 for each 48-hour period until cured.
- |     |   |                                 |
|-----|---|---------------------------------|
| 8.  | <b>Home Business, Public Estate Sale, and/or Leasing Violation:</b><br>\$1,000/day for continued violation;<br>Up to \$10,000 maximum per violation   | <b>\$1,000/day</b>              |
| 9.  | <b>Failure to receive ARC Final Release</b><br>No Final Release in the timely manner required<br>and/or three strikes for construction site noncompliance<br>during building and/or landscaping;<br>**Immediate replenishment of performance deposit is required.   | <b>\$10,000 (PD forfeiture)</b> |
| 10. | <b>Discharge of Weapons</b><br>(i.e. firearms and bows/arrows in a residential area)  | <b>\$1,500/incident</b>         |
| 11. | <b>Pet Violations:</b>  |                                 |
|     | a. <b>Off-leash Dogs w/Owner:</b><br>The fine will start at \$50 and increase,<br>per Board, for repeat offenders.  | <b>\$50/incident</b>            |
|     | b. <b>Failure to Remove Dog Waste</b><br>The fine will start at \$50 and increase,<br>per Board, for repeat offenders.  | <b>\$50/incident</b>            |
|     | c. <b>Dogs running at large and/or being a nuisance or hazard<br/>(i.e. attacking another person and/or wildlife):</b><br>Initial fine of \$250 and increase for repeat offenders<br>and/or for instances deemed more severe on a case-by-case<br>basis per Board. Maximum fine for pet violations is \$10,000. | <b>\$250</b>                    |

Any and all violations, whether or not specifically addressed herein, are subject to different fines and/or enforcement actions within the guidelines established in the *CCR's*, *Design Guidelines*, and/or *By-Laws* on a case-by-case basis, subject to the discretion of the Conservancy Board. Pursuant to the *CC&R's* and Utah Law, the Conservancy may record a lien for any and all deposits, charges, costs, fines, and/or assessments owed.

## **PROMONTORY CONSERVANCY POLICY REGARDING PETS**

**EFFECTIVE OCTOBER 10, 2012**

**Reporting Animals to Animal Control:** In any case of a pet running at large or off-leash and/or being a nuisance or hazard to persons or wildlife (which may include attacks, acting viciously, causing unsanitary effects on the environment, making continuous noise, or otherwise being a danger to the public health, safety and welfare), all Promontory residents and/or persons on Promontory property are encouraged to independently call Summit County Animal Control at (435) 615-3985. Summit County Code (Title 5; Chapter 1; Sections 1-27 (Animal Control)) can be viewed in its entirety at:

[http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=522](http://www.sterlingcodifiers.com/codebook/index.php?book_id=522).

Any person having knowledge of a person or animal being bitten (causing a puncture, tear, or abrasion of skin) by another animal is required by law to immediately contact Summit County Animal Control at (435) 615-3985.

**Conservancy Action Against Violators:** For the Promontory Conservancy Board to take an action against an Owner, Promontory personnel (including Club and/or Conservancy staff members or gatehouse security) must observe and identify the unleashed and/or malicious pets and their owners. While Promontory owners may file a complaint with the Conservancy and/or Promontory personnel, an investigation must be carried out to properly identify said pets/Owners in violation and such violation must be witnessed by Promontory personnel.

Upon observing animals which are out of an owner's proper control by running at large, off-leash and/or becoming a nuisance (including the owner's failure to remove dog waste from community areas) or hazard either to people or wildlife, personnel should require the animal's owner to take immediate control of their animal(s), if possible. Personnel shall call County Animal Control immediately in any instance of an animal bite (as is required by law) or in any other situation deemed necessary to protect the safety and welfare of the persons and animals involved in the incident, whether the pet owner has regained control over his animal or not, and shall take any other action they deem appropriate. Personnel should then immediately submit a formal, written report of the incident and submit to the office of the Conservancy Director, who will pass the same along to the Board.

Upon receiving the report, Conservancy Director/staff, on behalf of the Board, will institute an action/fine against the Owners (which is separate from and in addition to that occurring by Summit County Animal Control), depending upon the offense. The basic fine structure is as follows:

1. For Owners who do not clean up after their animal, and for animals which are found off-leash, but are with their owner and otherwise not in violation, the fine will start at \$50 and increase, in the Conservancy Director's discretion (subject to ratification by the Board), for repeat offenders.
2. For animals who are found running at large and/or are being a nuisance or hazard (i.e. attacking another person and/or wildlife), the fine will initially start at \$250 and increase for repeat offenders and/or for instances deemed more severe on a case-by-case basis, in the Conservancy Director's discretion (subject to ratification by the Board).

3. In any case of fine institution, the fine maximum will be \$10,000 and the fine will always be appealable by the owner to the Covenants Committee and/or Board pursuant to and within time constraints set forth in the *CCR's*; *Section 7.4* and the *By-Laws*; *Section 3.24*.

Any and all electric wire fences that are installed after this policy takes effect must be set back 20 feet from all property lines and must have a high enough voltage to effectively keep the animal(s) on the Owner's property.

## **PROMONTORY CONSERVANCY HOLIDAY LIGHTING AND DÉCOR POLICY**

### **EFFECTIVE NOVEMBER 12, 2014**

In light of the *CCR's (Initial Use Restrictions)* language being very general regarding holiday décor and lighting, the Board hereby adopts more specific rules about holiday lighting to better define the "reasonable size and scope" provision in the *CCR's*. The *CC&R's* presently state the following:

"Board in its sole discretion shall determine whether any exterior lighting is excessive."

"Holiday Decorations: Owners may display holiday decorations located or visible from outside their Residences if the decorations are of the kinds normally displayed in single family residential Villages, are of reasonable size and scope, and do not disturb other Owners and residents by excessive light or sound emission or by causing an unreasonable amount of spectator traffic. Holiday decorations may be displayed in season only from November 1 to March 1 and, during other times of the year, from one week before to one week after any nationally recognized holiday."

**All standards set forth below should be interpreted under the overall standard of "reasonableness." Any homesite the Board determines is decorated or lit in an unreasonable or excessive manner may be found in violation of the Conservancy's lighting/décor guidelines, even if it meets the below standards:**

1. **Rooftops/Railings**: Lights are allowed on the rooflines and/or railings of a home. Lights on roof lines should generally run parallel to the roofline. Looping is not allowed on railings, however icicles may be suspended from rooflines or railings unless deemed excessive by the Board (in which event the owner will be notified by the Board to reduce or remove the display).
2. **Freestanding Objects**: Freestanding objects (i.e. snowmen, mangers, etc.) are not allowed, unless they are not visible from the roadway or neighboring properties (i.e. they are in the private area of a homesite), and are never allowed to be lit.
3. **Trees**: A maximum of 15 trees OR shrubs/bushes are allowed to be lit (no limitation on number of lights).
4. **Lighted Wreaths**: Lighted wreaths are allowed on the front doors or railings, and suspended lit ornaments and/or ornaments comprised solely of lights may be displayed on the home and landscaping, unless the Board deems them excessive (in which event the owner will be notified by the Board to reduce or remove the display).
5. **Light Color and Quantity**: Colored or white lights are permitted. The Board recommends that any owner purchasing new white lights please purchase those designated as "warm" and "soft" rather than "cool." There is no specific quantity defined as allowable, however, a certain quantity, even within the above standards, may be deemed excessive on a case-by-case basis.
6. **Pre-approval**: Any owner who has a question about whether planned holiday lighting is appropriate under these guidelines should (prior to installation) submit their plan to the Conservancy Board for review prior to October 1 of each year.
7. **Day/Time Restrictions**: Holiday décor and lighting may only be displayed at Promontory from November 1 through March 1 each year. During these dates, all lighting must be turned off by 12:00 am nightly. Décor

(excluding lighting) specific to another nationally recognized holiday (i.e. Independence Day) may be displayed the week before or after such holiday.

## PROMONTORY CONSERVANCY POLICY REGARDING DRONES

EFFECTIVE JUNE 5, 2017

The personal and recreational use of drones and unmanned aircraft systems, as defined by the Federal Aviation Administration (collectively “Drones”), shall be permitted at Promontory, subject to state and federal laws and other limitations:

1. Drones must be registered, where applicable, with the FAA, and must be labeled with a valid registration number. <https://registermyuas.faa.gov/>
2. Recreational Drones must comply with the maximum altitude height requirement below and may be operated at the operator’s homesite, the Promontory soccer field, and throughout Promontory trails provided they do not come within 100 feet of a person (other than the operator), animal and/or structure.
3. Drones may never be flown over neighboring homesites without the prior consent of the neighboring homeowner, over groups of people, nor may they be flown over, in or around Promontory community events, Promontory golf courses and/or Promontory Club facilities.
4. If a Commercial Use exception is granted pursuant to the policy below, Drones must fly below an altitude of 400 feet unless they are within 400 feet of a building structure (at which point they can fly 400 feet above the building) and operators must keep Drones within sight while operating.
5. Notwithstanding the usage locations and allowances permitted hereinabove, Drone usage may constitute a nuisance, as described in Exhibit C – Initial Use Restrictions to the CCR’s, and, accordingly, such usage may be denied for those whose Drones create unreasonable levels of sound or light pollution. Use privileges will likewise be revoked from those who use Drones to unreasonably invade the privacy of another or his/her property; to impede the right of reasonable enjoyment of another’s property, regardless of noise or light pollution; or to generally bother another person or his/her property.

Failure to comply with the above may result in the termination of Drone privileges and/or assessment of fines.

The Conservancy Board of Directors reserves its rights of enforcement as described in Section 7.4 of the CCR’s, and has the discretion to bar the usage of Drones for any reason. The Board reserves the right to amend this Policy at any time and to completely bar the use of Drones at Promontory.

Drone owners and operators assume all responsibility for damage caused to person or property, resulting from the use of a Drone, and are encouraged to carry insurance for such instances.

**Commercial Use Exception:** The Commercial use of Drones at Promontory is forbidden, with the exception of owners who have enlisted the services of a real estate marketing agency who use Drones to capture aerial photographs of homes and lots for the purpose of advertising for sale and/or owners who have authorized Drone photography of their home(s) and/or lot(s) by their custom builders (or a similar third party). Any Promontory owner interested in using this exception must contact Lola Monsen, Promontory Marketing Director, at 435-333-4200 for approval of Drone use on the applicable propertie(s), prior to taking this action.

Promontory reserves the right to use Drones for its own commercial purposes, including photography for marketing, record-keeping, and development. Promontory will exercise the same discretion required of any Drone operator, so as to preserve the privacy of owners and their property.

# PROMONTORY CONSERVANCY

## GENERAL BEACH HOUSE AND SADDLE LAKE RULES

1. The Beach House is a Promontory Club amenity. It is an exciting venue where all Club members and their accompanied guests make lasting memories! The Beach House, like the Shed, is meant to be a shared community space within a private club (rather than a personal living space), where publicly acceptable standards of dress and comportment are observed. This ensures that all members feel comfortable and are not offended or made to feel “crowded out” by the inappropriate appearance or conduct of others. In keeping with this policy, the following standards of dress and conduct for the Beach House have been formulated and outlined below by Club Management and will be enforced by Beach House staff and attendants. The Club believes that all members will want to follow these rules, to ensure that other members feel as comfortable as they do in sharing this wonderful Club facility. Failure by members to observe these rules may result in their being asked to leave the Beach House and/or in other disciplinary action, at the discretion of Club Management.
2. Shirts and shoes must be worn at all times by adults and children alike, when entering the Beach House building. Uncovered bathing suits and other poolside attire are only appropriate outside of the building (specifically, in the outdoor lounge, cabana, pool, beach, and dock areas surrounding the Beach House facility). Outdoor showers are available to remove sand from legs and feet prior to entering the Beach House building.
3. The tables in the dining areas inside and outside of the Beach House are for members who are actively dining. Only food and/or beverages purchased at the Beach House may be eaten in the facility and surrounding pool/lounge area. During busy times, those not actively dining will be asked to relinquish table seating to members who are waiting to dine. While items such as pool/beach toys, towels, and beach bags are allowed in the Club areas of the Beach House, beach and pool, items such as coolers, grills, umbrellas, outside food and/or drink are strictly prohibited in the member areas surrounding the Beach House (i.e. pool, lounge, cabanas, Members Only beach areas, etc.).
4. Two (2) large covered cabanas will be available for rental by Club Members for a fee (which fee will be set and may be changed from time to time by the Club, in its sole discretion), and such cabana rental will be available to Members by reservation only, on a first-come, first-served basis. Vacant, unrented cabana(s) shall not be used by Members and/or their guests at any time. Lounge chairs, and/or other Club furnishings in the Members Only indoor and outdoor areas of the Beach House facility may not be moved from their pre-arranged positions without the express permission of Beach House management on duty. Members may not monopolize or “take over” an area which is not expressly reserved (if causing the exclusion of other members), except by pre-arrangement with Club management – as in the case of a Beach House-catered party or other event.
5. Parking is available outside of the Beach House and Saddle Lake. Members and their invited guests should always check in at the Member Entrance to the Beach House prior to using the Beach House, pool, beach, amphitheater and/or Saddle Lake dock and surrounding areas.
6. Dogs and other pets are not allowed inside of the Beach House, nor on the surrounding Club and/or Conservancy Saddle Lake beach area(s). Promontory’s Dog Park is located uphill to the north from the Beach House and Saddle Lake area.
7. All Promontory Club Facilities are non-smoking, as is the Beach House and the surrounding Saddle Lake beach areas. This becomes especially important in and around the fire pits. The fire pits will

be lit at certain hours, during certain seasons (weather permitting), by Promontory staff and may be accompanied by complimentary s'more items, roasting sticks and the like. If, at any time, the s'more-making privilege is abused by Conservancy or Club members and/or is conducted during unauthorized times, Promontory, in its discretion, may revoke this privilege.

8. The amphitheater area of the Beach House will be open for use on a first-come, first-served basis unless there is pre-planned and pre-arranged, reserved programming by either the Club or the Conservancy (all reservations by Promontory owners and members for the amphitheater area shall be pre-approved and scheduled through Club Management (who will coordinate with Conservancy Management as may be necessary and applicable), and all catering for such pre-arrangements shall be conducted by and approved by the Club, in its discretion, which catering policies may change from time to time, in the Club's sole discretion).
9. Conservancy paddle boats will be tied to the Saddle Lake dock, and will be available for all Promontory Conservancy and Club members to use, on a first-come, first-served basis.
10. Club watercraft (kayaks, paddle boards, and the like) shall be issued exclusively to Club Members by Club attendants on duty at the Beach House and/or Saddle Lake dock, on a first-come, first-served basis, and may never be "beached" by Members when not in use, but shall, instead, be returned to Club staff at the dock so that the equipment can be reissued to another Member for use. This process will allow for all Club Members and their families to have the opportunity to check out and use the available Club watercraft.
11. While all persons using watercraft at the beach are encouraged to wear a life vest (and are required to have a vest on their watercraft at all times while in use), children under the age of 13 shall wear a life vest (which will be available from dock attendants) at all times when using Club and/or Conservancy watercraft. While lifeguards may be on duty at the pool and at the dock from time to time, this is never guaranteed.
12. Children under the age of 13 are not allowed at or around the Beach House facilities and/or the Saddle Lake unless supervised by a parent or accompanying responsible adult over 18 years of age. Children who make undue noise or who disrupt the peaceful enjoyment of the Beach House or any of its surrounding facilities by other members will be asked to leave, and it will be the responsibility of their accompanying adult to ensure that they do so.

# PROMONTORY CONSERVANCY

## LUKE RIDGE TUBING HILL RULES

2017-18 Hours of Operation: 12:00pm-5:00pm

Open daily December 15, 2017 through January 7, 2018

Open Thursday through Sunday from January 11, 2018 through end of season

- (1) AT ALL TIMES RIDERS MUST FOLLOW MANAGEMENT INSTRUCTIONS.
- (2) A lift ticket is required for any rider that wants to access any feature of the Luke Ridge Tubing Hill. Lift tickets are available for purchase at the Beach House. A lift ticket offers limited access to the Tubing Hill and is only valid for the dates and times printed thereon and only during hours of operation. After-hours use of the Luke Ridge Tubing Hill is strictly forbidden.
- (3) Lift Tickets are issued for use between 12:00 pm and 2:30, and between 2:30 and close. The Tubing Hill will close at dark or 5:00 pm, whichever is earlier.
- (4) Riders must be at least three (3) years of age.
- (5) Only Promontory-issued tubes may be used. Personal tubes, skis, snowboards, sleds, and other craft are not permitted on the Tubing Hill. Purchasing a lift ticket includes the use of a tube – no additional rental fee is required.
- (6) Only one rider is allowed per tube.
- (7) Depending on conditions, Management may allow two or more tubes at the same time in the same lane.
- (8) At the completion of the ride, riders must exit the landing area as soon as possible with their tube to clear the way for other riders.
- (9) Riders must ride the conveyor lift to reach the top of the tubing hill. Accessing the top of the hill by hiking, snowmobile or other craft is not permitted.
- (10) Riders must follow any instruction given by Tubing Hill personnel to ensure safety, efficient flow of riders, and facility upkeep. Personnel will guide all flow of riders, including instruction on how to board the conveyor belt, when to enter and exit the tubing lane, and where to place tubes. Riders who disregard any instruction from personnel will be stripped of tubing privileges, with no refund of lift ticket purchase.
- (11) Riders may wear snow boots, hiking boots or waterproof shoes. For safety reasons, ski, snowboard, and other hard shell boots are prohibited. Helmets are advised but not required.
- (12) Horseplay, profanity, disruptive conduct and other inappropriate behavior at the Tubing Hill is strictly prohibited.
- (13) The Tubing Hill is maintained for the private use of Conservancy members and their guests and is not open to the public.
- (14) Use of the Tubing Hill is offered on a “first-come, first-served” basis, meaning lift tickets will be available to all paying riders throughout each day of operation. The number of lift tickets available each day of operation may be capped in management’s discretion depending on conditions.
- (15) Notwithstanding the established hours of operation, the Tubing Hill personnel is authorized to shut down operations if weather, safety, or maintenance require such action. Please be aware that the Tubing Hill is partially built up with manmade snow, and that operations may be suspended to fill in any low spots. Please be aware that weather conditions can impact the

surface of the hill, and that a faster tubing surface is more likely during colder conditions. Tubing Hill personnel will assess the weather daily and determine the corresponding safety implications, and may curtail or shut down operations if use of the Tubing Hill is too dangerous.

- (16) While Promontory may provide limited supervision, instruction, and assistance for proper tubing, Riders are solely responsible for their own safety and well-being. Each rider must acknowledge in writing that the use of the Tubing Hill involves risk of serious injury, including permanent disability and death, and that such risks are inherent in tubing, even if supervised, and waive all claims against Promontory.
- (17) The Tubing Hill is equipped with video cameras to patrol the premises and deter criminal or inappropriate activity. The footage taken by these cameras, if any, is used for security purposes only and is not otherwise viewed or distributed.