

# Swains Creek Pines Lot Owners Association™ Guidelines, Rules & Regulations

## Amended January 13, 2024

It is important that owners, families, friends, and guests are aware of the established rules within our community. The goal is to ensure that we may all enjoy the peace and pleasure of Swains Creek Pines.

***Please post this copy of our “Guidelines, Rules & Regulations” for your family and guests to review so they too will comply. Property owners shall be responsible for any violations by any persons staying at or using their property.***

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1. **VEHICLES:** Motor Vehicles operated within the confines of Swains Creek Pines must have a muffler or other noise-reducing device. This includes motorcycles, ATVs and UTVs. ALL motor vehicles are to be operated within Swains Creek Pines at a speed of no more than 25 miles per hour or at a slower speed based upon prevailing road conditions. Pedestrians, dust hazards, wet roads, and heavy traffic conditions are a few of the reasons to reduce travel speed to less than 25 miles per hour.

**UTAH LAW REQUIRES ALL OHV OPERATORS UNDER THE AGE OF 18 TO WEAR A HELMET & BE UNDER DIRECT SUPERVISION OF A PERSON WHO IS AT LEAST 18 YEARS OF AGE. ALL OHV OPERATORS MUST COMPLETE THE UTAH OFF-HIGHWAY VEHICLE EDUCATION COURSE. ADDITIONAL OHV EDUCATION CERTIFICATE REQUIREMENT INFORMATION IS AT <https://recreation.utah.gov>**

2. **ROADS:** All roads within Swains Creek Pines are “dedicated” Kane County roads. The Sheriff’s Office will enforce all traffic and safety issues. All vehicles must be operated only on roadways. The Kane County Sheriff’s Office has determined that the unpaved roads on Cedar Mountain are open for OHV (Off Highway Vehicle) use. **No off-road riding, except on designated trails. Street legal vehicles are required for riding on highways or paved roads.** Do not drive on your neighbors’ property or any private property without permission.

3. **RUNWAY:** **DO NOT walk on, drive on, park on, or fish from the runway!** No motor vehicles, except aircraft, shall be operated on the landing strip or aircraft parking area, except vehicles permitted in the parking area to load, unload, and service aircraft. The runway is posted with **NO TRESPASSING—PRIVATE PROPERTY** signs, and the violator and/or property owner will be assessed for damages if they trespass on the runway. Snowmobiles are permitted on the runway only for access to properties in the winter, providing the Association is not held liable for accidents or injuries, and the operators of such snowmobiles are responsible for any resulting runway damage. See the current Runway Policy for use information and submit forms as required. Use of the runway requires the user to sign the Runway Policy. Please contact the SCPLOA Manager for more information.

4. **POND:** The use of the pond is for Swains Creek Pines Lot Owners and their guests only. Those people fishing in the Swains Creek Pines pond shall have in their possession a valid SCPLOA Fish Permit, which is only issued to lot owners in good standing **Lot owners, relatives or guests shall not remove more than four (4) fish per lot (not per person) per day.** Only one (1) fishing pole may be used per person. The use of proper Catch and Release methods is preferred; however, please do not put dead fish back into the pond. There shall be NO cleaning of fish at the pond, in the restrooms, or in the pavilion sink. There shall be no boating or swimming in the pond without prior approval from the Board of Directors or the Manager. Winter use of the pond for snowmobiling, sledding, ice skating, ice fishing etc. is at the sole risk of the user and the cost of repairing any damage will be assessed to the lot owner.

5. **QUIET TIME:** Please remember Quiet Time is between 10 p.m. and 9 a.m. (Mountain Standard Time).

6. **FIRES, CHARCOAL GRILLS & FIREWORKS:** Signs are posted regarding current fire conditions and restrictions. These restrictions are regulated by the Cedar Mountain Fire Protection District and by the U.S. Forest Service and are to be adhered to by property owners and all other persons. Only approved fire pits may be utilized and no fireworks are ever to be discharged within Swains Creek Pines. Do not dispose of hot charcoal, ashes, firewood, or any combustible materials in the Swains Creek Pines dumpsters.

7. **FIREARMS/DANGEROUS WEAPONS:** Members and guests must adhere to the laws of Utah and Kane County regarding firearms and dangerous weapons. No person shall discharge any firearm or dangerous weapon within Swains Creek Pines, including BB-guns and pellet guns. See Utah State code 76-10-501 and 76-10-508.

8. **ANIMALS:** No animals, birds or fowl shall be kept or maintained on any property, except dogs, cats, and pet birds. **PETS MUST BE KEPT UNDER THE IMMEDIATE CONTROL OF THE OWNER AND ARE NOT ALLOWED TO ROAM AT LARGE OR OTHERWISE DISTURB THE PEACE.** Straying pets or repeated barking, howling or whining will be reported to Kane County Animal Control in accordance with current nuisance ordinances.

9. **GARBAGE:** PLEASE KEEP OUR MOUNTAIN BEAUTIFUL—DO NOT LITTER! Garbage dumpsters are located near the horse pastures and lot owners and guests shall dispose of any accumulated household rubbish or garbage in these dumpsters. **Items such as appliances, furniture, construction materials and/or lot debris/slash MUST be hauled away and should not be left in or near the SCPLOA dumpsters.** The Kane County dumpsite is located at mile marker 88 (near Glendale) on Highway 89. Contact the Cedar Mountain Fire Protection District for more information about where to dispose of lot debris/slash.

10. PAVILION: The pavilion and pavilion facilities are available for use by lot owners and their guests. Reservations for special events or large groups shall be made with the SCPLOA Manager to guarantee availability and are subject to approval by the Board of Directors. A deposit is required which will be refunded if the facilities are left damage free and clean. The minimum deposit is \$50.00 for groups of 50 or less, \$75.00 for groups of 50 to 100 and \$150.00 for groups of 100 or more. In addition, there may be a requirement that port-a-potties be furnished at the expense of the lot owner for groups of 100 or more. The SCPLOA Manager will determine the number required and make the arrangements for ordering and placement. All fees will be collected at the time the reservation is confirmed.

11. HORSE PASTURE: The Horse Pasture is intended for part-time, recreational use by Swains Creek Pines Lot Owners only. Horse owners wishing to utilize this amenity must first contact and register with the SCPLOA Manager to verify availability, review the specific rules pertaining to its use, and obtain approval to bring horses onto the pasture. It is recommended that horse owners register with the Manager at least seven (7) days prior to their arrival date. See Horse Pasture Policy dated October 5, 2013.

12. COMMON AREAS: No private property or vehicles shall be left overnight on common areas without prior approval of the SCPLOA Board of Directors or the Manager. The only exception is for private vehicles belonging to aircraft owners which may be parked near the tie-down area.

13. LIENS AGAINST PROPERTY: All lot owners shall be required to pay an annual assessment (dues) as outlined in the Bylaws. Any assessment (including Special Assessments) which is not paid by March 1<sup>st</sup> of any year shall be considered delinquent. Assessments not paid within sixty (60) days of said date will be assessed late fees and interest in accordance with current Collection, Enforcement and Fines policies. The Association may record a lien against the subject property if dues are not paid within the required amount of time of the date due. Delinquent lot owners shall be responsible for the cost of any legal action required to collect subject assessment(s). No lot owner can waive or otherwise escape liability for the assessment provided for herein due to non-use of common property or abandonment of their property. **Unpaid assessments including fines, interest and damages, will result in the property owner being considered “not in good standing.” This designation will preclude such property owner from utilizing all common areas and facilities, as well as voting in the general election.**

14. RENTALS: The CC&Rs of Swains Creek Pines require lots to be for single-family residential use only. The rental of a lot or cabin for a period of less than thirty (30) consecutive days is prohibited. See Cabin Rental Resolution dated April 10, 2015.

15. RESPONSIBILITY: Members of the Board of Directors, the Manager(s), and lot owners are responsible for the enforcement of these Guidelines, Rules & Regulations and for bringing them to the attention of members and/or guests. Please contact the Manager or a member of the Board of Directors for clarification or to report violations.

16. MAINTENANCE OF PROPERTY: All lots are to be used, built upon and held in such a way as to preserve and enhance their pastoral, scenic beauty as mountain cabin residential recreational sites free from unsightly neglect or abuse. Anything placed on a lot, including cabins, garages, sheds, decks, and stairs, and, where allowed, recreational vehicles, and other vehicles and trailers, shall be kept in good repair. The term “recreational vehicle” is defined in the Resolution Regarding Recreational Vehicles, adopted by the Board of Directors on October 1, 2016. Lot owners are responsible and liable for repair or removal of defective, neglected or unsightly structures and vehicles. All structures are to be constructed according to County and State building regulations, approved Architectural Standards and are to be maintained accordingly. Regardless of whether a building permit is required, the prior written approval of the SCPLOA Architectural Committee is required before grading or excavating any lot and before installing, constructing, or placing any new structure or other improvement on a lot, including buildings, septic systems and recreational vehicles (where allowed). Except as provided in the Architectural Guidelines, the Architectural Committee’s prior written approval is also required before adding to or altering the exterior of any structure or other improvement. Contact the SCPLOA Manager or go to [www.swainscreekpines.com](http://www.swainscreekpines.com) for current Architectural Standards, forms and instructions.

All new cabins or homes shall have a floor area of at least 400 square feet. Decks and walkways shall not be considered to be a part of the minimum floor requirement. Leftover materials and scrap must be hauled out of the area, and contractors and owners will be responsible for site cleanups. There will be NO dumping of construction materials or clean up debris into the dumpsters, onto private property, or onto Forest Service Lands. Violators may be subject to fines.

Metal container boxes, including Conex boxes, roll-off containers, pods, shipping containers, metal storage boxes, modular shipping boxes, etc., do not fit the criteria of a first-class dwelling, customary outbuilding or any other structure as specified in the CC&Rs and are not permitted within Swains Creek Pines. See Container Guidelines dated July 21, 2012.

17. AMENDMENTS: These Guidelines, Rules & Regulations may be amended or repealed by action of the Board of Directors of the Swains Creek Pines Lot Owners Association meeting in a business session.

18. ELECTRONIC NOTIFICATION: The Association may provide notice to lot owners by electronic means, including text message, email, or the Association’s website. The lot owner shall be responsible for notifying the Association of their current electronic contact information, including email address and/or mobile phone number. The lot owner may, by written demand, request that notification be sent only by mail. See Electronic Notification Resolution dated May 11, 2015.

***Please observe and comply with these Guidelines, Rules & Regulations and require your guests to do likewise. These are in place for the betterment of our community and to allow everyone to enjoy their Swains Creek Pine experiences.***