

RULES OF THE ROAD

INTRODUCTION

The By-Laws of the Pauma Valley Roadway Association, Article IX, POWERS AND DUTIES OF BOARD OF DIRECTORS, provide for the periodic restatement and publication of rules and regulations governing the use of streets and roadways within the jurisdiction of the Pauma Valley Roadway Association. Said document is entitled “Rules of the Road”, and was most recently published in April of 2010, amended in January of 2014 and again in June of 2016.

“Rules of the Road” is intended to promote the public safety and welfare of all those using the roadways within the jurisdiction of the Pauma Valley Roadway Association, with reference to the following Definitions and Recitals.

DEFINITIONS

“Agent” shall mean an individual, authorized by a Member or Resident, to act with their authority.

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

“Commercial Activity” shall mean any particular transaction, act or conduct that requires a Use Permit or Use Permits. Exceptions shall include home offices and the ongoing activities, events and business affairs of PVCC.

“Contractor” shall mean an individual or entity holding a valid, current California contractor’s license and proof of general liability insurance.

“Gate Attendant” shall mean an employee of PVCSD or its designee, stationed at any entry gate with responsibility for enforcing gate access procedures.

“Main Gate” shall mean the entrance to PVCCE located at 16270 Highway 76, Pauma Valley, CA 92061.

“Member” shall mean a member of PVRA as defined by its By-Laws.

“Not in Good Standing” shall mean a Member having delinquent dues or is non-responsive to remedy of an NOV.

“NOV” shall mean a Notice of Violation issued by a PVCSD Security Officer.

“Pass” shall mean a printed or written instrument of gate access, issued by a Gate Attendant or printed by the user as a result of authorization of a Member.

“PVCC” shall mean the Pauma Valley Country Club, which is a Member.

“PVCCE” shall mean Pauma Valley Country Club Estates.

“PVCSD” shall mean the Pauma Valley Community Services District.

“PVRA” shall mean the Pauma Valley Roadway Association.

“Resident” shall mean an individual authorized by a Member to reside temporarily or otherwise in a Member’s property.

“RFID transponder” shall mean a Radio Frequency Identification device.

“Roadway” shall mean all roads and streets located within the jurisdiction of PVRA and the extent of any easements related thereto.

“Rules” shall mean the conditions of use of the Roadway established herein.

“Security Officer” shall mean an employee of PVCSD or its designee, authorized to affect the safety and security of residents of and visitors to PVCCE.

“Service Persons” shall mean those providing commercial or personal services to PVRA, PVCSD, Members and/or Residents.

“Signage” shall mean printed information of any kind placed or posted on the Roadway or its easements.

“Use Permit” shall mean any permit or license required to be issued by any competent authority having jurisdiction, prior to the commencement of any activity that requires such permit or license.

RECITALS

Pauma Valley Roadway Association is an entity organized under the non-profit mutual benefit corporation law of the State of California.

PVRA is authorized to maintain the streets, roads, medians and signage within the jurisdiction of PVRA, for which PVRA shall receive an easement for any and all maintenance. The general purpose of the Pauma Valley Roadway Association is to engage in activities which promote the safety and welfare of all those using the Roadway. The Board, as empowered by its By-Laws and CC&Rs, shall establish, revise as needed, and oversee rules and regulations regarding the use of, including ingress to and egress from, the Roadway. Said rules and regulations shall be adjudicated by PVRA, in close cooperation with PVCSD and its security personnel.

Pauma Valley Community Services District is a public agency organized under the Community Services District Law of California, set forth in Government Code §61000 et seq. As a Special District in the State of California, the purpose of PVCSD is to provide services throughout its service area, including security patrol, gate access management, wastewater collection, treatment and storage, and other municipal service.

NOW, THEREFORE, in order to promote the safety and welfare of pedestrians, bicyclists, golfers, walkers, joggers, and drivers on the Roadway, PVRA hereby modifies and restates in entirety the Rules of the Road and declares that the use of the Roadway is hereby subject to the following:

I. ROADWAY USAGE

1. Drivers of all vehicles, except golf carts, must hold a valid driver’s license, current registration and proof of insurance, as required by law, to use the Roadway. Individuals under the age of sixteen (16) driving a golf cart on the Roadway must be accompanied by an adult.
2. All drivers of vehicles on the Roadway must drive safely and with consideration of others.
3. All drivers of vehicles on the Roadway must yield to pedestrians, golf carts, and bicyclists.
4. All drivers of vehicles on the Roadway must obey posted speed limits and other traffic control signs.
5. All drivers of vehicles on the Roadway must obey lawful instructions from a Security Officer.
6. All drivers of vehicles on the Roadway must obey the California Vehicle Code and other applicable laws.

7. Pedestrians are required to use the far right side of the Roadway to safely accommodate vehicular traffic.
8. With the exception of golf carts, vehicles that are not street legal in California, will not be permitted access to, or use of, the Roadway.

II. OVERNIGHT PARKING

There shall be no overnight parking on the Roadway of any vehicle or equipment without a written authorization being conspicuously displayed on the dashboard of the vehicle or on the equipment. Other than with the prior written approval of PVRA, RV's, campers, trailers, trucks and the like shall not be permitted to park on the Roadway for a period exceeding 2 calendar days in any consecutive seven (7) day period. Passenger vehicles belonging to a Member, Resident, Agent, PVCC member or any person holding a Pass may not be parked on the Roadway for a period exceeding 5 days in any consecutive 30-day period. There shall be no overnight parking, whatsoever, on Pauma Valley Drive.

III. TRASH

No person shall deposit or leave any trash or waste material on any part of the Roadway or shoulders except for the trash containers which must be specifically located at the curb on trash days.

IV. GATE ACCESS

All inquiries regarding Gate Access policies, practices and procedures, including the acquisition of RFID transponders, shall be directed to the PVCSD offices at 33129 Cole Grade Road, in Pauma Valley, CA 92061 or to the PVCSD website at www.paumavalleycsd.com.

Members who are Not in Good Standing with PVRA shall not be permitted to obtain and/or utilize RFID transponders. Said Members must present themselves to the Main Gate Attendant to request a Guest Pass until such time as their standing is cleared.

V. SIGNAGE

Without the express written approval of PVRA, signage of any kind, other than advisory signage placed by PVCSD, is not permitted to be placed or

posted on the medians or the Roadway. Requests for signage intended for placement on or adjacent to the Roadway by a Member, Resident or Agent, must be submitted in writing and directed or delivered to PVRA at 33129 Cole Grade Road, in Pauma Valley, CA. 92061.

VI. PASSES

Gate access Passes will be limited to either GUEST PASS or SERVICE PASS. Passes shall be issued by the main Gate Attendant or, in some instances, a GUEST PASS may be electronically enabled by an authorized owner of an RFID transponder. Gate passes shall contain detailed driver, vehicle, destination and length-of-stay information. All those issued passes will be provided with Roadway information, including a map, and will be expected to abide by the Rules. Passes must be clearly visible on the dashboard of vehicles at all times while on the Roadway. A Gate Attendant or a Security Officer may, at any time, request and require proof of registration, valid insurance and driver’s license information before issuing a GUEST PASS or SERVICE PASS. Passes shall be considered a limited license to use the Roadway and its use shall be subject to compliance with the Rules. SERVICE PASSES and/or RFID transponders may be issued to Service Persons in accordance with the policies and procedures established by PVCSD.

Except by special arrangement, no gardeners, Service Persons or Contractors of any kind will be permitted to enter PVCCE before 7:00A.M. Monday through Saturday, or remain after 6:00 P.M. on week-days and 2:00 P.M. on Saturday. There will be no admittance at all, except by special arrangement, on Sunday or on major holidays identified as New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. “Special arrangement” is to be identified as an emergency situation such as health-related issues or plumbing/electrical/propane problems.

VII. VISITORS

Members, Residents, Agents, PVCC members and PVCC personnel must notify a Gate Attendant of the name and expected arrival time of any visitor who will require a Pass for Roadway usage. In the absence of such notification, no individual will be admitted unless the Gate Attendant is immediately able to contact the Member, Resident, Agent, PVCC member or

PVCC personnel and receive authorization for the admission of said individual.

Upon approved access, the Gate Attendant will issue a "GUEST PASS" valid for not more than seven (7) days, and will record the name of the visitor(s), their destination and detailed vehicle information. At the discretion of PVCSD, a GUEST PASS may be valid for a period longer than seven days upon the written request of a Member. A GUEST PASS must be clearly visible on the dashboard of a vehicle while it is on the Roadway. When issued, all passes are specific to, and restricted in use by, the individual or individuals who were originally admitted when the gate pass was issued.

VIII. REAL ESTATE ACTIVITY

1. Licensed real estate agents, brokers and appraisers who are not Members, Residents or PVCC members will be admitted only at the PVCCE Main Gate and only after presenting identification and indicating the property to be visited. They will be issued a GUEST PASS. Individuals arriving at a PVCCE entrance and inquiring about real estate therein will not be admitted unless accompanied by a licensed real estate agent, broker or appraiser as herein provided.
2. Open House - A Member, Resident, Agent or real estate sales person must notify a Gate Attendant of the name and expected arrival time of any visitor who will require a Pass. Additionally, a Member, Resident, Agent or real estate sales person wishing to engage in this activity, must abide by the signage restrictions of PVRA, PVCC and individual HOAs. OPEN HOUSE signage shall not be permitted on or adjacent to PVCCE access gates or on any portion of the Roadway.

IX. PROPERTY USE PERMITS

1. To ensure the quiet enjoyment and safety of the PVCCE community, and in compliance with applicable law, Gate Attendants shall not admit any person, and Security Officers shall not permit any person to use the Roadway to access any property for Commercial Activity within or upon that property unless all such necessary Use Permits have been obtained and are available for inspection. Each Member,

Agent and/or Resident shall be responsible for obtaining all applicable Permits. Additionally, each Member and/or Resident planning to engage in commercial activity, as defined herein, must apply to PVRA for a Use Permit for use of the Roadway and remit a non-refundable \$250 Roadway Use Fee to PVRA not less than 10 days prior to the commencement of said activity, plus remit \$150 for each day more than the day the activity is planned.

A Member, Resident or Agent must notify a Gate Attendant of the name and expected arrival time of any visitor who will require a Pass for Roadway usage. Individuals requesting admittance to attend a permitted activity must be on an approved list and will be issued a Pass good for one day only and for the single destination indicated on the Pass.

X. ROADWAY DAMAGE LIABILITY

Any damage to or defacing of any portion of the Roadway, and/or PVRA property, shall be the responsibility of the party causing said damage or defacing, including Contractors, sub-contractors and/or their employees or representatives, Members, Residents, Agents, guests and invitees. Such responsibility shall be for all costs, including administrative and legal fees. Contractors and/or sub-contractors may be requested, prior to beginning work within the jurisdiction of PVRA and at the sole discretion of the PVRA, to post a financial bond (herein "Damage Bond") not to exceed \$5,000. Said Damage Bond may be expended, at the sole discretion of the PVRA, to mitigate any damage to or clean-up of dirt, debris or construction materials caused to be on the Roadway as a result of construction activities within the PVRA jurisdiction. The Damage Bond, in total or in part, shall be returned to the contractor or sub-contractor no later than 60 days after their work within PVCCE has been completed.

XI. UNATTENDED GATES

While the Main Gate will always be manned, other gates may be unmanned. Access at unmanned gates will be enabled by RFID transponders or by direct communication with the Gate Attendant at the Main Gate. All unmanned gates will be equipped with video and two-way voice communication. The

back gate, off of Cole Grade Road, will have a scanner kiosk to allow for any guest or invitee with an authorized electronic PASS to also enter. Other than in the case of a good faith judgment made by a Gate Attendant, vehicles presenting at an unmanned gate without an RFID transponder or an electronic PASS will not be admitted and must present themselves to the Main Gate.

XII. EMERGENCY

In the event of an emergency being declared by a competent governmental agency or authority, the gate access procedures presented herein may be temporarily varied, adjusted or suspended to accommodate emergency equipment and personnel. Said action shall be in accordance with standard operating procedures of PVCSD and in consultation with PVRA and emergency management authorities. California Highway Patrol, San Diego County Sheriff, Cal Fire, Emergency Medical Technicians, ambulance service, and similar vehicles shall receive immediate access at any gate.

XIII. VIOLATION OF RULES OF THE ROAD

1. A Notice of Violation (herein “NOV”) is a citation issued by a PVCSD Security Officer for violations of Rules. An NOV may be mailed to an individual if the individual refuses to stop and/or to accept the citation from a Security Officer. Those issued a NOV will be asked to sign and accept a copy of the NOV and will be provided with the option of requesting a review as provided for herein. The NOV will bear the operators name and/or address, vehicle description, operator’s license information, nature of the violation and any other information deemed appropriate by the Security Officer. If PVRA makes a determination, as provided for herein, that the NOV is reasonably founded, then PVRA, at its sole discretion, may assess one or more of the following remedies:
 - A. Revocation or suspension of PVCCE gate access privileges for anyone other than Members or Residents seeking access to their residence or to PVCC, or a PVCC member seeking access to PVCC.
 - B. Demand correction of the violation by a specified date.

- C. Present the NOV recipient with a monetary penalty assessment as provided for herein. Those receiving an NOV who are not currently a Member, Resident or PVCC member, may be prevented from entering PVCCE unless and until penalty assessments are paid and made current.
2. PVRA shall have the authority to levy, via a simple majority vote of its Board, a monetary penalty assessment against any individual receiving an NOV and determined to verifiably have violated the rules. Should NOV recipients not immediately remedy the alleged violation, PVRA shall have the authority to levy a penalty assessment between \$50 and \$250 per day and/or per event until such time as the violation has, in the sole discretion of PVRA, been corrected.

Except as otherwise herein provided, the cause of the monetary penalty assessment shall be set forth in writing, placed in the U.S. Postal Service mail, first class prepaid, addressed to the individual cited in the NOV. That date which is seven (7) calendar days subsequent to said notice being mailed shall represent the “effective date of the assessment”. The assessed individual receiving an NOV shall have the right of a hearing review by a simple majority of the Board, if requested in writing within five (5) calendar days of the effective date of the penalty assessment notice. Such review can result in a deferral of the effective date of the penalty assessment notice. If no such meeting is requested, or if such a meeting is held and the Board does not withdraw or modify the penalty assessment or its effective date, then the penalty assessment shall stand. Such monetary penalty assessments shall be subject to late charges and interest if not paid in a timely manner, and shall be subject to collection actions, including liens.

3. All provisions, conditions, restrictions and covenants contained in Rules of the Road shall be binding on all those using the Roadway. A violation of said provisions, conditions, restrictions and covenants, as evidenced by the issuance of an NOV with non-response of a remedy for such, and determined to be verifiable, may warrant PVRA to apply to any court of law or equity having jurisdiction for injunctive relief. Should said relief be granted, the Court may, at its sole discretion, award court costs and attorney fees to the plaintiff.

XIV. INTERPRETATION

Where there is a perceived or apparent inconsistency between Rules and the Conditions, Covenants and Regulations (CC&R's) of one or more Homeowners' Associations, then the conditions, rules and regulations presented in Rules shall prevail.

It is not the intent of the Board that anything set forth in these Rules shall conflict with any applicable public policy or federal, state, county or local laws, codes, ordinances or regulations. To the extent that such conflict has inadvertently occurred, then the remainder of these Rules shall continue to apply and shall be interpreted by striking that part which is finally determined by a competent authority to be so in conflict.

(The remainder of this page left intentionally blank)

IN WITNESS WHEREOF, PAUMA VALLEY ROADWAY ASSOCIATION AND PAUMA VALLEY COMMUNITY SERVICES DISTRICT has caused its name to be signed by its officers thereto duly authorized this 25th day of May, 2016.

PAUMA VALLEY ROADWAY ASSOCIATION

Agreed and Approved.

By: _____

Name: Jeff Peterson
Its: President, Board of Directors

PAUMA VALLEY COMMUNITY SERVICES DISTRICT

Agreed and Approved only as to its responsibilities herein set forth.

By: _____

Name: Charles Mathews
Its: President, Board of Directors

CERTIFICATE OF SECRETARY

I, the undersigned, do hereby certify that: (1) I am the duly elected and Secretary of the PAUMA VALLEY ROADWAY ASSOCIATION, and (2) the foregoing usage and access rules constitute the Rules of the Road and Rules of said corporation as duly adopted at the meeting of the board of directors of said corporation duly held on the 25th day of May, 2016.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 25th day of May, 2016.

Jean Beck
Secretary, PVRA Board of Directors