



RULES & REGULATIONS

**AS ADOPTED BY THE
WALNUT MOUNTAIN PROPERTY OWNER'S ASSOCIATION
BOARD OF DIRECTORS**

Revised May 21st, 2016

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WMPOA RULES AND REGULATIONS
(Adopted August 16, 2003)
Revised and Amended May 2016

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I. INTRODUCTION

Purpose & Authority

The responsibility and authority “to make and enforce reasonable Rules and Regulations (R&R’s) governing the use of the property, including the Lots and Common Property” is given to the Board of Directors (BOD) by The Declaration of Covenants, Conditions and Restrictions (CCR’s) of the Walnut Mountain Property Owners Association (WMPOA).(See Section 6, (a) of the CCR’s).

In accordance with that responsibility the following revised and updated Rules and Regulations Document was adopted by the Board of Directors on May 21, 2016, and is the definitive governing document of record regarding these Rules and Regulations.

The term “Property Owners in good standing” is used throughout this document and applies to the title holder of record of a Walnut Mountain (WM) lot, current in all assessments (including water) and has not otherwise had membership privileges suspended for violation of the Rules and Regulations.

In accordance with the WMPOA CCR’s and Bylaws Article V, Section II, regulating infractions or violations of any of the R&R’s, WM will submit notice to the Property Owner if infractions occur with associated steps for remediation included.

It is understood that the use of WM Common Property and Green Spaces, including, but not limited to, Lakes, Streams, Trails, and Recreational areas and facilities, by Property Owners, their family, and/or guests or property renters, is at their own risk.

Previous versions of this document (per the revision date in the document footer) are no longer valid and should be discarded. Future revisions and replacements of this document will be noted on the cover page and in the footer with the month and year of the BOD approved document.

II. ACCESS RULES

NOTE to Property Owners: Access to WM is either via a gate pass, an access code or through the Welcome Station. WM is a gated community and not a secure community (See Section 16, (a) of the CCR’s); and, it is the responsibility of the home Owners to help keep it as secure as possible. Do not confront anyone; call 911 to report violations or suspicious activity.

A. Property Owners must lease a pass at the WM Administrative Office in order to have 24-hour access to their property by automobile and must arrange with the Office Manager for lease of a pass for long-term tenants. Landlords are responsible for the collection of passes at the termination of the lease and for notifying the WM Office that the lease has been terminated. Property Owners are responsible for returning all passes to the Office when their

property is sold in order to receive a refund of the current assessed value of the pass.

All Contractors or Sub-Contractors must stop at the Welcome Station and register their presence on the mountain before entering any gate.

B. Property Owners with passes installed on their vehicles may proceed directly to gates, which will automatically open.

C. Property Owners' phone numbers and/ or their tenant's numbers can be programmed into the call boxes. A cell phone or land line phone may be used. Property Owners are encouraged to give visitors their 3 digit access code so the call box can be used to notify the Owners of their guests' arrival, which will enable the Property Owner to open the gate by pushing "9" on his/her telephone, granting access.

D. The Property Owner is responsible for arranging access for all parties involved in new construction; i.e., Contractors, Sub-Contractors and supply deliveries. Contractor hours are 8:00 am to 7pm Monday through Friday; and 8am to 6pm Saturday. Contractors, Sub-Contractors and their employees are not permitted to work on Sundays or holidays. All Contractors, Sub-Contractors and their employees must check in at the Welcome Station prior to entering the mountain.

E. Property Owners must notify the WM Office as soon as possible if a pass is lost or stolen so that the pass can be deactivated. Cost for lost pass replacements will be based on the current market rate for purchase of the passes.

F. Property Owners are responsible for fines or damages incurred by visitors or tenants holding leased passes.

G. It is the responsibility of the Property Owner to make prior arrangements with the Welcome Station for allowing visitors, including commercial vehicles, to gain entrance to the mountain.

H. Property Owners are responsible for reporting to the Office any change of phone numbers so that their call box entry can be updated.

I. FEDEX, UPS, etc., should deliver directly to the Property Owner's home. The Welcome Station will only accept packages for homeowners who have filled out a form at the Welcome Station, relieving WM of all liability.

J. To report a criminal or illegal act, **911** should be called directly.

K. Any person caught destroying or removing the automatic gate system, or any portion thereof, will be subject to prosecution by WMPOA to the fullest extent of the law.

L. No one is allowed to intentionally permit access to WM of unknown or unidentified people or vehicles.

III. BULLETIN BOARD RULES

Bulletin boards are to be used by WM Property Owners, WM Administration, and for announcements regarding WM events. Items on the board are subject to the following regulations:

1. Items should be no larger than 8.5 inches by 11 inches;
2. Only business cards of WM Property Owners will be permitted for display. The Owner's lot number must be printed in the lower right hand corner of the card;
3. All items other than business cards (such as houses and things for sale) should be dated and will be removed after one month. [Violations of the above regulations will be grounds for immediate removal of the posting.]

IV. CAMPGROUND / PICNIC AREA

- A. These rules and regulations apply to the camping area adjacent to the mail kiosk and to the picnic area on the west side of Turniptown road adjacent to Gate 1.
- B. Open burning is forbidden in both of the above areas. Grill stands are provided in both areas and must be completely extinguished after use and before leaving the area.
- C. The picnic area (identified by location as above) is for day-use only and not for overnight parking or camping.
- D. Camping is only allowed in the designated campground area.
- E. All Property Owners in good standing and their registered guests are entitled to use the campground. Reservations are accepted and require a deposit and a fee as described on the reservation form.
- F. Guests must be registered by the Property Owner upon the arrival of their guests with the WM staff at the Welcome Station. A copy of the WM Rules and Regulations' pertinent sections (Section IV, Section VIII, Section IX, and Section XI) must be given to registered guests. The gate and restrooms will be unlocked for the duration of a registered camper's stay.
- H. If the campground is unoccupied, the campground gate at the entrance and campground restrooms will be locked and will be on the same schedule as the Welcome Station hours. The campground will be accessible to all Property Owners after hours by way of foot traffic.

V. CLUBHOUSE RULES - GENERAL RULES

The Clubhouse is one of the amenities available to WM Property Owners. Since WM staff(s) is not on site throughout each and every day, the Clubhouse is kept locked when not being used by authorized persons for security reasons.

- Association sanctioned meetings, such as committees or other association related meetings should be coordinated and placed on the **Events Calendar** (kept in the Administration Office) in order to avoid scheduling conflicts. These events should be scheduled, along with Key Pickup and Return, as far in advance as possible. The Clubhouse calendar will be posted in the WM Office and on the WM website.
- The Key/Security Code Release Form will be completed by the Property Owner responsible for the Clubhouse event when the key and security code is received.
- Access to the Clubhouse is limited to the attendees of the approved function; parking areas available for the event will be designated in the Rental Agreement.

RENTAL RULES

The Clubhouse is available for the WMPOA's functions and the personal use of Property Owners in good standing with prior reservations. Priority for Clubhouse reservations is given to official WMPOA functions, including: BOD meetings, committee meetings, holiday parties, etc.

- Reservations for personal use are subject to Clubhouse availability and the approval of the Events Coordinator or another WMPOA Board Authorized Representative.
- **Clubhouse Reservation Application / Rental Agreement Forms** (available in the WM Office) must be personally submitted to the WM Office, and will not be accepted nor booked prior to three (3) months of the event, with the exception of weddings and /or wedding receptions or family reunions, which may be booked up to 1 year in advance before the date of the function.
- Rental fees and security deposits (amounts **as specified on the Clubhouse Reservation/Rental Agreement Form**) are due, in full, upon approval of the Application. The Rental Agreement is not valid until the required fees and deposits are paid.
- Details and conditions for Clubhouse usage, including key pickup and return, access to kitchen facilities, sound equipment, etc. will be specified in the Rental Agreement, and may vary based on the function.

- The **Key/Security Code Release Form** will be completed by the Property Owner responsible for the Clubhouse event when the key and security code is received.
- Immediately prior to the function, an inspection of the Clubhouse will be made by a WM Board Representative along with the renter. The Inspection Form will be signed by both parties agreeing to the condition of the facility.
- An inspection of the Clubhouse will be made within 48 hours of the completion of the function to determine the condition of the facility. Refund of all or part of the security deposit will be made based on the conditions set forth in the Rental Agreement.
- Access requirements concerning Non-Property Owners (i.e. caterers, invitees, guests etc.) are outlined in the Rental Agreement, including arrangements for after-hours access, caterer and guest list requirements, and applicable fees and restrictions.
- Clubhouse rental **does not include access to or use of the other amenities on WM Property**, including the Swimming Pool, Tennis Courts, Lakes, etc.
- It is the responsibility of the renter to inform all attendees of the conditions of the Rental Agreement and of the rules governing Clubhouse functions.

NON-PROPERTY OWNER CLUBHOUSE RENTAL RULES – (place holder for future)

VI. TENNIS COURT RULES

NOTE: Non-Residents of WM must complete and submit the Tennis Court Reservation Form to request recurring use of the Tennis Courts and pay any applicable fees.

- A. Tennis Courts are open at all times and are available on a first-come, first-served basis. Courts must be relinquished within 90 minutes to other parties waiting to play. No reservations are required.
- B. Only tennis shoes are allowed on the court surface.
- C. Do not throw rocks or other foreign objects on the court surface. If objects are found on the surface, please remove them prior to play.

VII. SWIMMING POOL RULES

The WM Swimming Pool is available for the use of Property Owners in good standing, their families, their on-property guests, and/or their property renters. It is understood that all swimming in the WM Pool is at the swimmer's own risk.

In order to gain admittance to the Pool a **valid WM Pool Pass must be presented** to the Pool Attendant for validation. Passes are issued by the WMPOA Office upon request from the Property Owner and will be available within 2 weeks of the request. The Property Owner is responsible for securing passes for their property renters.

- A. Property Owners are responsible for their families, guests, and property renter's activities, conduct, and any misuse of WM property.
- B. The Pool Attendant or any other WM Board Designated Individual shall have the authority to enforce all rules applicable to the use of the Pool and its surrounding Areas.
- C. No one under the age of 14 is permitted to use the Pool unless under the direct supervision of an adult. Children under 14 must have a responsible adult present at all times, and must leave the Pool Area if their responsible adult leaves.
- D. Children age three and under must wear a swimming diaper.
- E. Personal equipment hazardous to others is not permitted in the Pool or Picnic Area. Examples include, but are not limited to, bicycles, skate boards, roller skates, hover boards, etc.
- F. Running, pushing, or rough play is not permitted anywhere in the Pool or on the Pool Deck, further defined as anywhere within the chain link fence.
- G. The following items are not permitted in the fenced area around the Pool: food, pets, tobacco products, glass containers or any other breakable items.
- H. Furniture and equipment are not to be removed from the Pool Area.
- I. Litter must be disposed of in the provided trash containers.
- J. Proper swim attire is required. Cutoff jeans are not permitted in the Pool.
- K. Persons with skin rashes, open sores, wounds and large bandages are not permitted in the Pool.

- L. The Pool is always available for Property Owners to use during the scheduled open hours; therefore, the Pool cannot be reserved except when deemed necessary by the WMPOA Board for a WMPOA event.
- M. Any Property Owner having guests utilizing the Pool are limited to no more than 12 guests at any one time, including the Property Owner.
- N. Use of the Pool for special events: Property Owners wishing to have parties in excess of 12 guests must:
1. Make their request to the WMPOA Office Administrator at least one week in advance by completing and submitting the required form with applicable fees;
 2. Restrict parties to weekdays (Monday through Friday); and
 3. Are responsible for any cost of damage, repair or cleaning.
- O. Law enforcement will be notified for any behavior believed to be illegal in nature.
- P. The Pool Hours are posted at the Pool. The Pool opening and closing will be announced to the community annually, which may be subject to change due to weather conditions or maintenance.

VIII. SAFETY RULES & REGULATIONS

A. House Numbers

All homes are required to have a reflective "911" address displayed, and reflective display of the lot number is recommended. Signs must be clearly visible from the road.

B. Lakes and Streams

1. **No swimming is allowed** in any Lakes and Streams, for safety reasons.
2. Gasoline powered motors are not allowed on any of the Lakes.
3. One Coast Guard approved personal flotation device for each passenger must be on board any watercraft used on any Lake. Children under 12 must wear a flotation device at all times while in the watercraft.
4. Lakes on WM are Common Property and are shown as such within the establishment WM green spaces on the WMPOA community map, which varies in size around each Lake. WMPOA has access to each lake's edge. In no event will such access be less than 12 feet from each Lake's edge. All Property Owners with lots that abut any Lake may not build a private dock, as Lakes and Access to the Lakes are not private.
5. Structures around or on any WM lake such as docks, must be approved by the WM BOD and the ACC, and must meet current code expectations (i.e. flotation docks, not wooden docks) and will be maintained by WM Staff. Wooden docks in dis-repair will

be removed by WM Staff for safety reasons; there will be no replacement unless approved as aforementioned.

6. WM marked Trails are for walking and hiking, and at no time are all-terrain vehicles (ATV's), bicycles, or other forms of motorized transportation permitted.

C. **Fireworks / Firearms / Hunting**

1. Fireworks may not be set off within the limits of WM.
2. The display or discharge of firearms on WM Property is prohibited; provided, however, that the limited purpose of transporting the "firearms" across the Common Property to or from the Owner's lot is allowed. No hunting or discharging of firearms, bows, cross bows are allowed within the WM Development. The term "firearms" includes firearms of all types regardless of size. Notwithstanding this provision per CCR Section B, number 7.E; "B-B guns and pellet guns may be fired on a Property Owners lot (as defined the CCR's, "Lot").
3. **Hunting is not allowed anywhere on WM.**
4. Non-Property Owners may not display or discharge firearms at any time or anywhere on WM.

D. **Vehicle Operations and Parking**

1. No person shall operate any vehicle in a careless, negligent, or reckless manner that endangers any person, property, or environmental feature. The following rules apply to the operation of all vehicles including ATV's and other recreational vehicles:
 - The speed limit on WM is posted and should be strictly observed;
 - Keep to the right of roadway at all times;
 - All operators must be at least 16 years of age;
 - Operators must have a valid driver's license at all times;
 - No overnight parking is allowed in the common Areas except during weather emergencies;
 - Blocking any WM road is not permitted; and
 - **Vehicles traveling downhill must yield to those traveling uphill on all WM roads.**
2. All vehicles parked on WM must have a current registration and license.
3. Parked construction equipment should not impede traffic during daylight working hours. Construction equipment may not be parked on the road or shoulder of perimeter roads except during approved hours.

E. **NO Open Burning is permitted anywhere on WM.**

F. **NOTE:** Approved outdoor recreational fires for **Owner occupied** residences on WM

(Revised and Approved by WM BOD: January 16th, 2016 effective March 1st 2016) are as follows:

1. **Outdoor Recreational Fires:** An outdoor recreational fire is permitted on **Owner occupied improved lots** under the following conditions:

- The daily **Fire Condition** status as indicated on the sign across from the WM Welcome Station **must be Moderate or Lower;**
- The fire must be attended at all times;
- The fire is at least 15 feet from all structures; and
- There is an **immediately available** and appropriate ability to completely extinguish the fire.

Approved Fire Containers: Outdoor recreational fires, for **Owner Occupied** residences are restricted to the following containers:

- Chimeneas with ember inhibiting screen in place;
- Outdoor fireplaces with ember inhibiting screen in place;
- Approved outdoor Liquid Propane (LP) gas burning devices designed for the sole purpose of producing a flame and/or heat; and
- Fire pits which comply with the following guidelines:
 - Located on a flame proof surface; and
 - Ember inhibiting screen in place at all times.

Approved Fire Fuel for Owner Occupied property: All outdoor fire pit Areas are subject to ACC approvals.

Fire fuel is restricted to:

- Natural wood;
- Manufactured compressed wood logs; and
- LP gas

2. Approved Outdoor Recreational Fires for **all RENTAL PROPERTIES** on WM (revised and approved by Board: January 16th, 2016 Effective March 1st 2016) are as follows:

Outdoor Recreational Fires: An outdoor recreational fire is permitted on **Rental Properties** under the following conditions:

- The daily **Fire Condition** status as indicated on the sign across from the WM Welcome Station **must be Moderate or Lower.**
- The fire must be attended to at all times;
- The fire is at least 15 feet from all structures; and

- There is an **immediately available** and appropriate ability to completely extinguish the fire.

Approved Fire Containers for Rental Property: Outdoor recreational fires, for all **Rental Property** outdoor fires, **are restricted** to:

- ACC approved outdoor LP gas burning devices designed for the sole purpose of producing a flame and/or heat; and
- **No natural wood or manufactured compressed wood can be burned as a fire source at any time.**

3. **Outdoor Cooking:** Outdoor cooking on a “grill” designed for the sole purpose of cooking food does not constitute an outdoor recreational fire.

4. Violations

Violation of any of the above, as spelled out in section VIII, E, of this document will result in the following fees:

- **First offense:** \$150.00
- **Second offense:** \$300.00
- **Third offense:** \$500.00 with outside fire privileges permanently suspended for the current Property Owner.

G. Pets

All pets must be leashed or under the positive control of the Owner.

IX. DISPOSAL RULES

A. Rubbish, Trash and Garbage

1. All rubbish, trash, brush and garbage shall be regularly removed from the lot and not be allowed to accumulate.
2. No garbage, trash or brush shall be placed on the Common Property for any reason, temporarily or otherwise.
3. Containers for garbage or other refuse must be kept indoors until taken directly to a dumpster; this is to curtail access to garbage by bears and other wildlife. The Property Owner is responsible for cleanup and / or damage to property caused by negligent handling of refuse.

B. Dumpster Rules

1. Dumpsters are provided only for the use of WM Property Owners. Refuse carried onto WM property from outside the community cannot be disposed in the WM dumpsters.

2. Rubbish, trash and garbage placed in dumpsters shall be contained in plastic or paper trash bags. Boxes cannot be used as a substitute.
3. All cardboard boxes must be broken down.
4. Aluminum cans should be placed in collection boxes next to the dumpsters.

C. **WM provides extra-large “roll off” dumpsters** multiple times during the year for use by WM Property Owners only.

Materials such as the following **are permitted** in the WM roll off dumpsters: wood pieces, small metal items, small furniture, household items, screening, etc.

The following items must be taken to the County landfill for disposal and **may not be placed** in the WM dumpsters:

1. Concrete, large furniture, paint, inner tubes, tires, appliances, large rugs and similar materials;
2. Boxes containing trash, rubbish or household garbage and;
3. Large furniture items such as mattresses, recliners, or sofas.

Again, the items above **may not be placed** in the WM roll off dumpsters and need to be taken to the County landfill.

D. **Hazardous Waste**

Hazardous waste **shall not be disposed of in WM** dumpsters or **anywhere** on the WM property.

X. **OUTSIDE STORAGE RULES**

NOTE: In accordance with WM CCR’s Section XI:

- A. No boats, boats on trailers, utility trailers, campers, motor homes or vehicles without current tags may be parked on personal property for longer than 48 hours.
- B. Personal motorcycles and ATV’s may be parked on a Property Owner’s lot.

XI. **CAMPER/BOAT-TRAILER STORAGE RULES**

- A. Securing a registered parking location for the limited parking/storage area, which is located adjacent to the WM Office Building, is for large vehicles (such as motor homes, boats, campers); the registration can be made at the WM Office with the completion of applicable

storage forms. An annual fee is required for registered storage space. WM will not be held responsible for any damage to items stored in this facility.

- B. The limited parking/storage area is only available to Property Owners in good standing. Friends or relatives of Property Owners may not use the storage area. Automobiles cannot be stored in this Area.
- C. Each vehicle must be registered with the WMPOA Office and must be re-registered on an annual basis coinciding with the vehicle registration. Any vehicle not registered with the WMPOA Office or does not have a current, valid license will be towed at the Owner's expense. All vehicles must be in operational condition.
- D. Priority for the limited parking/storage space shall be given to full-time WMPOA residents.

XII. ARCHITECTURAL CONTROL RULES AND REGULATIONS

Overview: WM is an architecturally controlled community, established to protect and preserve the beauty and integrity of the environmental and property values of the WM community. This is achieved by establishing architectural standards for consistent development, and maintaining aesthetic harmony and compatibility among the homes on the mountain.

A. Purpose & Authority

The ACC is a standing committee provided for in the WM CCR's and Bylaws and is charged with assisting in establishing and maintaining architectural standards for WM. **The ACC is given the authority to enforce rules and use other means to ensure compliance with these standards. The WMPOA BOD also has the authority to correct violations and assess the cost of such corrections to the Property Owner.**

The members of the Architectural Control Committee (ACC) are designated by the WM BOD and oversee the below areas, which include: new construction/ existing homes, home maintenance and tree maintenance as described below.

B. Compliance

Each Property Owner/Contractor is legally obligated to comply with the WMPOA CCR's, Bylaws and all R&R's. Property Owners are responsible for ensuring that family members, guests, friends, and renters maintain compliance at all times.

I. NEW CONSTRUCTION AND EXISTING HOMES

A. Pre-Approval

1. The WM CCR's require that changes affecting the home's exterior or lot must have the prior written approval of the ACC. Forms may be obtained at the WM Administration Office or online at www.walnutmtnga.com.

The ACC will review requests within 15 working days following the receipt of the application. The following Areas requiring approval include but are not limited to:

- Additions of rooms, Decks, carports, sheds, patios, garages, etc;
 - Paving, gravel, asphalt or any concrete work;
 - Installation of fences, ponds, fountains, retaining walls, etc.;
 - Outside fireplaces, fire pits, including those that are propane fueled;
 - Installation of exterior flood or security lights (approval of affected neighbors is also required);
 - Regrading, any significant landscaping changes, and any tree cutting or trimming; and
 - Exterior painting and changes to any outdoor structures.
2. In addition to written submission of the appropriate ACC request form, any surveys, drawings or documents, which may be helpful to the ACC should also be provided. The Property Owner is responsible for identifying and marking the property boundaries so that compliance can be verified for set-back requirements, as needed.
 3. The ACC is granted the authority to enforce WM rules and regulations, and issue "Stop Work" orders for ACC WM violations.
 4. Builders must be approved by the ACC for each project. Builders are also required to agree to all portions of the Builder's package. A Builder may be denied approval after three written violations of the WMPOA Rules and Regulations.

D. Construction Time Frame

WM CCR's state that new home construction must be completed within 12 months from the date the construction is approved. For modification to any existing structure the time frame is 6 months from the date the construction is approved. Extension of any time limits must be requested in writing by the Property Owner and approved by the ACC or BOD.

E. Water Impact Fee

The Water Impact Fee and the currently approved Fee for Meter Installation must be paid upon approval of construction. Water meter hook - up must be scheduled a week in advance and a prorated Water Assessment Fee must be paid. The Fee Schedule may be obtained from the Administration Office.

F. Set Backs

Proper set back from pins are 15 feet from the side line of any lot, 40 feet from the rear line of any lot and 25 feet from the front line of any lot (the front line of a lot shall be deemed to be the lot line which is contiguous to a street or road). These must be checked prior to any tree removal or foundation digging. There is a 6 foot easement between the road and the front lot line for water lines and culverts.

G. Variances

All setbacks requested for variances **must first be submitted in writing to the ACC and then to the WM BOD for approval**; in addition, approval from the County must be requested after WM BOD's approval.

All requests must be submitted in writing to the ACC. The BOD will then consider these requests and notify the Property Owner of the decision.

H. Construction Plans

Construction plans must include floor plans, elevations, roof and exterior finishing materials and color of siding and trim. The house must have a minimum of 1250 square feet of finished living space with heat and A/C above grade. Mobile homes, and "tiny homes" are not permitted on WM.

The house and driveway should be staked and shown on the plat/survey. Building colors shall be woodsy, earth tone finishes. Samples are available in the Administration Office. No vinyl or metal exterior siding will be permitted. Retaining walls should be installed for erosion control as needed.

I. Equipment

No track equipment is permitted on WM paved roads. All track equipment, i.e. dozers and loaders, must be hauled to the job site. Concrete trucks shall be loaded to a maximum of seven cubic yards to minimize spillage and/or damage to the roads. Any spills or road damages are the responsibility of the Builder and the Builder must have it cleaned up or repaired. Concrete trucks must clean their chutes only on the construction site. It is the Builder's responsibility to ensure that the Area where the concrete truck is washed out is cleaned up.

J. Ground Disturbance

The WM Maintenance Manager must be contacted to locate existing water lines prior to disturbing the ground on any lot in order to help prevent any damage or breakage of the water lines. Any breakage of water lines or power lines due to construction will result in a damage fee that will be assessed to the lot Owner and/or Builder.

K. Silt Fence

Installation of a silt fence is required prior to any construction or landscaping that involves delivery or disturbance of significant amounts of dirt. When work is performed around a wetland or lake Area, two silt fences are required for stabilization. The silt fence must remain in place and be maintained until the ground is stabilized, which is approximately six months to one year.

L. Culverts and Driveways

Culverts must be a minimum size of 15 inches in diameter and galvanized, or the installation of a swale will be sized and installed after review and approval by the ACC and the Maintenance Manager. Culverts must be kept clean of dirt and leaves that will prevent proper water flow.

Property Owners must ensure that no dirt or gravel is diverted onto neighboring lots or common grounds. Any driveway with an elevation upgrade of 12% or more from the street must have a concrete or asphalt apron which will help prevent the gravel from washing into the roadway.

M. Water Flow and Drainage Control

To the degree possible, the natural channels of runoff should be maintained. French drains, ditches, culverts, curbs, or swale diverters should be utilized to divert runoff to its natural channel. Water runoff cannot be directed onto neighboring property. Prior to requesting approval of construction plans, the following steps should be taken:

1. Inspect the existing drainage conditions;
2. Determine the existing flow of water over the Area to be improved;
3. Assess the effect of plan changes on the existing water flow; and
4. Determine a plan to return water flow (as much as possible) to the normal pattern.

All water flow and drainage conditions are to be overseen by the Maintenance Manager.

N. Tree Removal for New Homes

Only the trees within the footprint of the house, driveway and drain field may be removed as approved by the ACC in writing. Any other tree disturbance may result in penalties up to \$500 per infraction.

O. Sanitation

During the construction period, a “port-a-potty” must be provided on the job site for all construction personnel and located away from the mountain’s roadway. Provisions must be made to keep the “port-a-potty” from falling over due to high winds.

P. Site Maintenance

Property Owners are responsible to assure that all trash is cleared and that the lot is properly maintained during construction. Building material remnants must be trucked off the site no less than every other Friday or sooner during the construction process. All building materials are to be placed as inconspicuously as possible on the building site. It is the Builder’s responsibility to see that the roadway and adjacent lots are cleared of any debris daily before leaving the job site. **No debris or scrap materials** may be buried under ground or used as backfill.

Q. Burning

There shall be **absolutely no burning** on the job site for any reason, including the use of “burn barrels”.

R. Access Control

During the construction period, a list of approved Contractors requiring admittance must be submitted with the Builder’s Packet. A copy of this list will be forwarded to the attendants at the Welcome Station. No one will be admitted unless previously authorized. Construction personnel, construction vehicles and delivery of materials are only allowed between the approved hours and days of 8:00 am to 7pm Monday through Friday, and Saturdays 8am to 6pm. **NO** work is permitted on Sundays or holidays.

All construction personnel are required to sign in daily on the work log at the Welcome Station, indicating name, company name or self-employed, and address of work site. The Welcome Station Attendant will record the date, time of entrance, and the tag number of the vehicle. All construction personnel must use the most direct route to the work site. The speed limits on WM are posted and must be observed for everyone’s safety. **All vehicles must keep to the right of the roadway at all times and yield to vehicles coming uphill.**

S. Limitations

Construction personnel are not permitted to use any of the WM amenities, such as the Swimming Pool, Lakes, Tennis Courts, etc. Any worker violating this rule will be denied access to WM. Per WM CCR's, "No hunting or discharging of firearms, bows, cross bows, pellet or air guns are allowed within the WM Development" is permitted by construction workers. No one is allowed to remove plants from any Area of the WM Common Property.

T. Propane Tanks

Property Owners must enclose tanks with material that is consistent with the home and helps reduce the visual impact of the tank from the road or from a neighbor's home. Evergreens may also be used as long as they hide the tank at time of planting. Lattice is not permitted to be used to conceal tanks.

U. Signs and Flags

All homes are required to have a reflective "911" address displayed; and, reflective display of the lot number is recommended. Signs must be clearly visible from the road.

"For Sale" and advertising signs are not allowed anywhere on WM property. Signs required by legal proceedings may be attached to the property. The American flag and others such as seasonal display or sports are permitted. No other flags are allowed.

V. Appeals

Any decision by the ACC may be appealed to the ACC with justification for the appeal. If denied, the decision may be appealed in writing to the Board of Directors, within 10 days of notice and with complete documentation of the denied request.

W. Amendments

The ACC may alter, amend or repeal the standards subject to the approval of the Board of Directors.

X. Bonds

1. Upon execution of the WM Builder's Compliance Bond Agreement, the Property Owner/Contractor shall post a cash bond in the amount indicated in the Bond Schedule. The purpose of such bond is to assure WMPOA of financial stability and payment for any damages or penalties arising from violation of the terms of this Agreement.

2. Upon any violation of the terms of this Agreement, or the Gilmer County Building Development ordinances, Written Notice shall be provided and/or posted conspicuously on the premises. Phone contact will be attempted, but the violation period starts from the time of posting. In the event that the violation has not been rectified within 24 hours of the posting for silt fence and within 48 hours of posting for other violations, then the ACC shall have the right to take such action as necessary to correct the violation at the expense of the Owner.

3. The Property Owner must consent to entry by the ACC onto the property for the assessment of corrective measures. The direct and indirect cost of these measures will be deducted from the bond as determined by the ACC and the Fee Schedule. Any amount which exceeds the bond shall be the responsibility of the lot Owner and / or Builder. In addition to the cost of these corrective measures taken by the ACC, a daily penalty will be assessed against the bond for each day after expiration of the 24 and 48 hour periods during which the violations continue.

4. Upon completion of construction, the bond amount or remainder will be returned to the Builder. Any deficiency or additional liability to the WMPOA, according to the terms of this provision, shall create a lien against the property and may be enforced the same as other assessments by the WMPOA.

5. Upon notification to the Builder/Property Owner in violation of this agreement, the ACC reserves the right to deny access to the building site to all Contractors, Sub-Contractors, Vendors, Workers, etc., until the violation is corrected and accepted by a Representative of the ACC.

6. All Contractors must comply with the CCR's Item 10, Section A-K; and the current Rules & Regulations Construction. The current Fee Schedule is available upon request from the Administration Office. Contractors & Property Owners must execute the WM Builder's Compliance Agreement and have a signed copy on file in the WM Office.

Y. Certificate of Occupancy

No occupancy of a dwelling is allowed until a Certificate of Occupancy is obtained from Gilmer County Building Department and the ACC has inspected and approved the structure.

II. EXISTING HOME MAINTENANCE

Property Owners are required in accordance with the WM standards to maintain houses approved outside building and lots as follows:

- Exterior surfaces of structures shall be maintained in good condition, structurally sound, in good repair, and free of deterioration;
- **NO** obvious litter or garbage;

- **NO** outside storage of discarded appliances, large debris, or construction materials;
- Personal vehicles shall be parked on a hard or graveled surface; and parking personal vehicles on a Property Owner's lawn areas is permitted for short term occasions only; and
- Vehicles which are inoperable or do not have a valid, current licenses are specifically prohibited.

If a structure on the property sustains significant damage, or is deteriorated in appearance, the Property Owner must make repairs promptly and must have the repair plans approved by the ACC. Samples of paint, wood stain and roofing material must be submitted to the ACC for approval prior to repairs.

All fencing must be approved by the ACC regarding location, appearance and materials. Deer netting may be installed if it is a dark color, consists of only a single layer, and neatly installed entirely on the Owner's property. Stakes should be made as inconspicuous as possible. Chain link fencing and lattice is never allowed.

Property Owners are responsible for the cost of any water leaks that occur on their side of the water meter, including cost of repairs, a reconnect fee and the total amount of the water lost or used. If a Property Owner or its agent breaks a water line, regardless of which side of the meter it occurs, the Property Owner will be charged for the cost of repairs and the water lost or used. The WMPOA has the authority to disconnect the water supply to anyone who has not paid his/her water bill or when a leak is detected. If service is disconnected, the Property Owner will be charged a reconnect fee in addition to any water usage charges or fees owed to WMPOA.

III. TREE AND SHRUB CUTTING RULES AND PROVISIONS

A. Compliance:

Without the expressed written consent from the ACC, and in order to be in compliance with the CCR's SEC.10, K, (iii): no trees, shrubs, bushes, or other vegetation having a diameter of 4 or more inches and measured from 3 feet above the ground, shall be cut, destroyed, or mutilated, which also includes: dead or diseased trees, shrubs or other vegetation.

WM follows The American National Standards Institute (ANSI) for Tree Modification (REVISED: 10/20/15).

B. Definitions

- **Vista Pruning** is defined as removal or pruning of trees and shrubs for a view or for other needs. Views of all kind can be achieved by very careful removal and pruning of trees in harmony with the natural environment. **Excessive removal and pruning is**

not allowed by WM and often occurs in the attempt to achieve a “panoramic” view. The goal is to vista prune in such a way that on completion the trees appear natural. The approved method for opening up a view is to create a “window” within the forest. The “window” typically consists of an opening large enough to provide a view, but small enough so that much of the foliage remains. A top canopy of foliage shall partially cover the opened Area. This can be best accomplished through a combination of side pruning or crown cleaning. This includes dead, dying, rubbing and structurally unsound limbs. This improves tree health and enhances appearance.

- **Crown Cleaning:** The tree “Crown” is defined as all of the branches above the trunk. The ANSI standard specifies that not more than one quarter (1/4) of the leaf surface of an individual tree be removed. “Topping,” “hat-racking” and “de-horning” is not permitted on WM under the ANSI published research (see above), since damage caused by this drastic pruning technique often causes tree death and other risks related to wood-eating insects and decay organisms that can quickly destroy the tree and create tree limbs unable to handle the weight of rapid re-growth, leaving new branches susceptible to breakage and falling.
- **Side Pruning** is generally pruning on one side of the tree, but may be both, to allow for a vista view, and in accordance with the above not more than ¼ of the leaf surface of the individual tree.
- **Native Appalachian Flowering Trees and Shrubs are identified as:** dogwoods, native azaleas, mountain laurel and rhododendron. These are common to the mountain and as much as possible WMPOA will try to preserve them for their beauty and to stabilize the soil to help prevent erosion.

C. Provisions:

In reviewing each request the ACC will consider the impact each request has as it relates to other adjacent properties, the view from a distance and the impact on our forest.

Request for Approval Form: The most current form, Tree Trimming & Removal Form, is available at the Administration Office or from the web site at www.walnutmtnga.com.

The ACC will review each request for pruning or removal on an individual basis, and determine the best and most reasonable plan for creating or maintaining a view without being detrimental to our forest.

This form **must** be submitted by the Property Owner **prior to any tree work**. All trees to be altered **must** be identified with brightly colored tape in such a manner as to be easily identified by the ACC. This can be accomplished by wrapping the tape around the tree, use ONE circle around the tree for pruning and TWO circles for removal. The property boundaries **must** be clearly marked. **The ACC will review the request and complete a site inspection, noting the trees to be altered.**

Upon completing this review, the **ACC will submit its *approval or disapproval* to the home Owner**. Please note that it is the Property Owner's responsibility to direct and manage the tree trimming service. The tree trimming service is only allowed for what was approved by the ACC as indicated on the approval form. The Property Owner will be subject to a fine up to **\$500 per infraction for any trees removed that were not identified nor approved by the ACC.**

Upon completion of the tree work, the Property Owner **must** notify the ACC that the work has been completed. Upon receiving such notice, the ACC will conduct a final review of the property to ensure compliance in accordance with the WMPOA rules.