

RULES AND REGULATIONS

BUCKHORN PROPERTY OWNER'S ASSOCIATION, INC.

HEADQUARTERS
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PREFACE

Buckhorn Property Owners Association, Inc. has the responsibility to adopt and enforce rules and regulations by virtue of the establishment of the Association by the Covenants on each parcel of land and the by-laws of the established Association. Article Six of the by-laws state: The Board of Directors shall have the authority to make, modify, repeal, and enforce reasonable rules and regulations governing the conduct, use, and enjoyment of Lots, the Common Area and the Area of Common Responsibility; provided, copies of all such rules and regulations shall be given to all Owners and Occupants.

The Rules and Regulations of the Association are binding on all Lot Owners as well as any quests, tenants, contractors or suppliers of the Lot Owners. The Lot Owner is responsible for advising any quests, tenants, contractors or suppliers of the rules including providing a copy of same as an attachment to any lease or construction agreements. Any actions taken as a result of violation of the Rules and Regulations such as fines will be levied against the Lot Owner. These Rules and Regulations are not intended to replace, nor are they in excess of, the established covenants and restrictions, which are common to each particular lot. It is the responsibility of each Lot Owner to know what the lot covenants and restrictions are and to adhere to them.

When writing a rule, the Board Rules Committee first determines if the rule is necessary by investigating and determining if there is a problem that is not covered by existing public laws or current Rules and Regulations of the Association. The Committee will evaluate any alternative solutions, and then conduct any research necessary by reviewing the governing documents. Draft rules will be presented to the Board of Directors in writing by the Chairman of the Rules and Regulations Committee and posted in the minutes. Upon approval of the addition or modification of any rule by the Board all Lot Owners shall be notified in writing by mail of the revisions. All final rules additions or modifications shall be in the Board minutes.

If the Board ever makes an exception to a rule for any Lot Owner, it will investigate and consider all facts, determine the violation's effect on the community, document the decision including why and how the decision was reached, state if the decision applies to all Lot Owners, and update the rule accordingly.

ARTICLE 1 – LOT REGULATIONS

Section 1. – Pets and Other Animals:

No animals or fowl shall be maintained or kept on any lot or parcel of land except household pets, which must be confined to the owner's lot or parcel unless such pet is on a leash or under direct supervision of said owner or his agent while in the subdivision. Persistent barking which creates a public nuisance constitutes a violation. **Violations: 1st offense, written warning. 2nd offense, \$1000 fine. Thereafter, legal action.**

Section 2. – Firearms, hunting and trapping:

Firearms shall not be discharged in the Buckhorn subdivision unless used for self-defense. No hunting or trapping of any kind is allowed within Buckhorn subdivision unless prior written approval is granted by the Board of Directors. **Violations: 1st offense, written warning. 2nd offense, \$100 fine. Thereafter, referral to proper authority.**

Section 3. – Solicitation of/by Lot Owners:

Solicitation of Lot Owners or employees, either on a door-to-door or personal basis by an organization or individual coming on the lot, shall be prohibited unless approved by the Board of Directors. Solicitation of sales or contributions by Lot Owners shall be prohibited in common areas. Solicitation of sales or contributions at a community gathering must be approved in advance by the BPOA Board of Directors. Solicitation by the Association shall not be subject to this rule.

Section 4. – Advertising:

No Lot Owner or real estate company directional signs displaying lots or house for sale are allowed on BPOA right of ways. However, the BPOA has standardized signs available for use at main intersections. Please call (706)636-3899 for more information.

No advertising activity of any kind shall be allowed on any parcel of land or lot, except one sign of no more than four square feet advertising the lot or parcel of land for sale or lease by the owner thereof, or such owner's agent. **Violations: 1st offense, written warning. 2nd offense, removal of signs by any member of the Board of Directors. Thereafter, legal action.**

Section 5. – Lot Usage:

All lots within the Buckhorn subdivision shall be used for residential purposes only. The leasing or rental of property for a period of less than six (6) months is not permitted and the advertising of such is prohibited. **Violations: 1st offense, written warning. Thereafter, action deemed necessary by the Board of Directors.**

Section 6. – Camping:

Camping is prohibited within Buckhorn Estates. **Violations: 1st offense, written warning. Thereafter, \$100 fine per incident.**

ARTICLE II LOT MAINTENANCE AND CONSTRUCTION REGULATIONS

Section 1. – Lots, Yards, Grounds and Landscaping:

Lot Owners are responsible for keeping their lots in a natural and attractive condition. Improved lots shall be kept weeded, trimmed and free of erosion and debris. No parcel or lot of land shall be used or maintained as a dumping ground for rubbish or trash, garbage or other waste, including, but not limited to, junk vehicles of any sort and household waste. Said lots and parcels shall be kept clean and in sanitary condition. **Violations: 1st offense, written warning. 2nd offense, \$100 fine. Thereafter, action deemed necessary by the Board of Directors.**

Section 2. – Septic System

In accordance with current Gilmer County and State of Georgia Official Environmental Health Regulations, building lot owners who have septic system in use are responsible for proper maintenance to ensure its correct operation. The Lot Owner is responsible for all costs incurred to ensure correct and proper maintenance. **Violations: Immediate referral to the proper authority.**

Section 3. – Driveway Connection and Culverts:

The BPOA reserves the right to determine the type, length, diameter and location of driveway connection and culverts to be installed in or adjacent to BPOA right-of-ways before they are installed. Driveway connection to BPOA roadway shall not intrude onto road surface. Storm water runoff from driveways shall be diverted away from BPOA roadway. Lot Owners are responsible to ensure that the proper size culvert is installed and that it functions properly. This means verification from a member of the Soil and Conservation or Health and Environmental Offices, or other public offices deemed with control and expertise in Gilmer County. **Violations: Immediate referral to the State of Georgia Environmental Protections Agency.**

Section 4. – Lot Identification:

During and after construction the E911 identification number must be displayed on all improved lots at the main entrance to the property where it is visible to the main road. The E911/Gilmer County authority issues this number.

Section 5. – Architectural Committee:

All architectural plans must be submitted to the Architectural Committee prior to any excavation pursuant to BPOA Bylaws. **BEFORE ANY GROUND BREAKING BEGINS, YOU MUST CALL (706)636-3899.**

Section 6. – Erosion Prevention:

All Lot Owners must conform to all county soil and sanitation regulations with regard to the prevention of soil erosion due to the grading of any lot. **Violations: Immediate referral to the State of Georgia Environmental Protection Agency.**

Section 7. – Construction Permits:

A BPOA Construction Approval Permit must be obtained from the BPOA Architectural Review Committee through the BPOA office before any initial construction activity, ground disturbance, tree clearing or any modifications to the outside of existing structures begins. The BPOA Construction Approval Permit and a Gilmer County building permit must be posted at the lot entrance to the property and be visible from the roadway. In order to be validly issued, this permit must be in compliance with Article II, Sections #8, 9, 10, 11 as amended, must be shown and continued compliance with same must be given.

For these purposes, construction activities include but are not limited to:

- *grading or disturbing land area of any type totaling more than 500 square feet
- *installing driveways and/or culverts
- *modifying or altering any existing improvements
- *placing any type of building materials, fencing, out building, pet pens or houses, and antennas over 25 feet high on a lot which are visible from the lot boundaries
- *erecting any structure or placing any prefabricated structures other than RV's as permitted Elsewhere in the Rules and Regulations, on the land
- *any other activity that requires a County Building Permit

Violations: 1st offense, written warning. 2nd offense, \$1000 fine. Thereafter, legal action.

Section 8. – Trash Receptacles on Construction Sites:

Trash receptacles must be placed on all approved construction sites, and the site must be kept neat and adjacent road free of debris. **Violations: 1st offense, written warning. 2nd offense, \$100 fine. Thereafter, action deemed necessary by the Board of Directors.**

Section 9. – Burning:

No outside burning is permitted in the subdivision. This rule applies before, during and after construction. **No burning is allowed by Lot Owners at any time.** The **ONLY** exception is during construction, a single fire contained in a burn barrel, fitted with an expanded metal screen cover on top is permitted. An attendant shall monitor the fire and shall extinguish it prior to leaving site. In addition to the foregoing, State of Georgia Department of Natural Resources associated rules and regulations shall be adhered to, and permit obtained when required. The content of the fire in this Section may be small limbs, scrubs, vegetation and/or non-plastic, non-toxic, wood and paper construction debris. Absolutely, no plastics, toxins nor any material emitting fumes or an odor shall be permitted. **Violations: 1st offense, written warning. 2nd offense, \$1000 fine.**

Section 10. – Temporary Toilet Facilities:

Temporary commercial toilet facilities shall be provided on construction sites from the time of initial grading to the time that the County Building Inspector approves permanent toilet facilities for use. **Violations: Immediate referral to Gilmer County Health Dept.**

Section 11. – Roadway Weight Limits:

The weight limit on BPOA roadway is 16,000 pounds for a single axle, 26,000 pounds for a dual axle truck. Concrete delivery shall be limited to seven yards per truck. BPOA roadways are private and use is by permit. **Violation of weight limitations may result in the revocation of access.**

Section 12. – Construction Completion:

All construction and landscaping must be completed within one (1) year after initial construction approval is granted by the BPOA. **Violations: 1st offense, written warning. 2nd offense, action deemed necessary by the Board of Directors.**

Section 13. – Lighting:

The use of lighting installed on utility poles on BPOA right of way is prohibited. The several existing lights are grandfathered in place as of the date of adoption of this rule but are subject to be shielded or removed if complaints by members of the Association cannot be resolved otherwise.

ARTICLE III VEHICLE PARKING REGULATIONS

Section 1. – Parking of Vehicles:

(A) Private Property:

Vehicles shall be parked only on driveways and parking areas. Arrangements for special parking must be obtained for special occasions from the BPOA in writing. **Violations: 1st offense, written warning. Thereafter, \$100 fine each occurrence.**

(B) Type of Vehicles:

Automobiles, vans, pick-up trucks, motorcycles, ATV's, and golf carts may be on the Lot Owners Property outside a garage provided that each shall display a current tag as may be required. Any other type of vehicle must be parked inside a closed garage. No habitation of any vehicle is permitted at any time. **Violations: 1st offense, written warning. Thereafter, \$100 fine each occurrence.**

Recreational vehicles are specifically prohibited by the Buckhorn Declaration of Restrictions and shall be defined as a vehicle portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposed and/or a boat or its trailer.

(C) Junk Vehicles:

No junk vehicles or stored vehicles shall be parked outside a closed garage in the subdivision. For purposed of this regulation, junk vehicles and stored vehicles are vehicles in any one or more of the following categories:

1. Not fully and readily operational (i.e. flat tires, no engine, etc.)
2. In various stages of repair more than thirty days.
3. Not currently licensed for operation on State or Federal highway and do not have current tags displayed.

Violations: 1st offense, written warning. Thereafter, \$100 fine each occurrence.

(D) Construction Equipment:

Construction related vehicles and equipment (bulldozers, loaders, dump trucks, etc.) associated with an active construction project shall be stored at or near the project provided they are not stored more than thirty (30) consecutive days on the lot, and are not on a roadway right-of-way overnight. Equipment with other than rubber tires will not be allowed to operate on BPOA roadways without pavement protection provided. **Violations: 1st offense, written warning. Thereafter, \$1000 fine each occurrence. In addition, any damage caused to the roads by construction activity must be repaired at Lot Owner's expense.**

(E) Construction Parking on Roadway Right-Of-Way and in Parking Lots:

Vehicles temporarily parked on roadway Rights-of-Way as a result of construction activity must not impede traffic, cause a safety hazard, damage the shoulder or damage shoulder plantings. The Lot Owner responsible for authorizing the vehicle to enter the subdivision shall be responsible for any damage. **Violations: The Lot Owner will be subject to any vehicle towing expense for himself or the quest.**

**ARTICLE IV
VEHICLE MOVING VIOLATIONS**

Section 1. – Traffic Violations:

Any vehicle operator, and/or the Lot Owner responsible for admission of that operator shall operate that vehicle in a safe manner as required by any Georgia Motor Vehicle Statute. The speed limit of all BPOA roadways is 15 miles per hour. **Violations: 1st offense, written warning. 2nd offense, \$100 fine.**

Section 1. – All Terrain and Other Off-Road Vehicles:

No ATV's, dirt bikes, go-carts or similar vehicles are allowed on or off any roads in Buckhorn Estates. **Violations: 1st offense, written warning. 2nd offense, \$500 fine. Thereafter, legal action.**

**ARTICLE V
USE OF COMMON PROPERTY**

Section 1. – Use of Amenities:

The Common Property and amenities are available for use by all Lot Owners in good standing. The Lot Owner is responsible for the conduct of all family members and guests. **Violations of the Rules and Regulations will subject the violator and/or the Lot Owner to assessments and/or suspension of the use of the amenities.**

**ARTICLE VI
WARNING NOTICES AND HEARINGS**

Lot Owners are encouraged to solve problems first amongst themselves whenever possible. If a public county law is being violated, as in the case of criminal activity, silt run-off from disturbed land, unapproved burning, or failure to provide commercial toilet facilities on a construction site, the issue should be referred to the appropriate public authorities immediately.

Section 1. – Warning Notices:

Any Lot Owner witnessing a violation of the Association Rules and Regulations should contact a Member of the Board of Directors. The contacted Director should complete a violation form and submit it to the Board of Directors through the Secretary. The Secretary shall maintain a log of complaints submitted, actions taken and status of outstanding complaints.

Once the Board receives the notice of violation, the Secretary should send a notice form to the Lot Owner identified as responsible for the violation. A first violation notice should include the specific rule that has been violated, a 10 day period in which to comply, a method for achieving compliance, any potential penalties, and a method in which the Lot Owner may contact a member of the Board of Directors in order to discuss the violations.

Section 2. – Hearings:

If after the 10 day time period the violation has not been resolved or the Lot Owner has failed to contact a member of the Board of Directors, the issue shall be taken to the Board of Directors at the next scheduled or called Board meeting. The Lot Owner will be notified of this by certified mail and may attend to provide any additional information. The Lot Owner should be advised that the hearing would proceed in the Lot Owner's absence.

At this hearing, the Board should review the complaint and accept any input from the Lot Owner. After doing so, the Board should convene in executive session to determine what if any, action to take to enforce compliance.

After any discussion and upon reaching a consensus, the Board should exit executive session and entertain a motion for action to be taken on the issue. After a vote is taken, a notice of determination should be sent to the Lot Owner stating the outcome by certified mail. Fines and other actions taken by the Board of Directors shall be consistent with those defined in the Rules and Regulations.

Each case shall be judged on its individual merits, and any previous enforcement of the same or similar violations shall not be binding upon the Board in its decision. Any prior Board decision shall not be considered a new rule unless it is agreed to in the normal process of motion, vote, and documentation.

Section 3. – Fines:

Fines not paid within thirty (30) days after notification of the amount due shall accrue interest at a rate of 10% per annum. Unpaid fines will result in liens against the lot, and liens may be foreclosed at the discretion of the BPOA Board of Directors.

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ARTICLE VII
MISCELLANEOUS

Section 1. – Adoption of Rules:

The Board of Directors of BPOA shall adopt rules as deemed appropriate by which the operations of the Association shall be conducted and the relationships of the Association with Lot Owners and other persons and groups shall be maintained.

Any Lot Owner of the Association as well as members of the Board of Directors may propose a rule alteration, addition or deletion. Recommendations for rule changes shall be submitted in writing to the President of the Board of Directors. If the rule proposal is considered to be an appropriate course of action for the Association after preliminary consideration, the rule shall be prepared in the format appropriate for the Board Policy Manual and submitted to the Board for a Public Reading during the Public Session of the Board Meeting.

Adoption by the Board of Directors of a new or revised rule officially repeals all other rules and Executive Memorandums or parts thereof which are inconsistent with the most recently adopted rule.

It is the intent of the BPOA that the herein Rules and Regulations, as amended, shall be held constitutionally viable and valid, hence, it is the intent of the BPOA that if any Article, Section, or portion of this document should at any time in the future become, or be held, vague, ambiguous, unconscionable or unconstitutional, same portion shall be considered, sectionalized, and compartmented from the rest of this document, in such manner that any such diverse holding shall have no adverse affect upon other Articles, Sections or portions herein setout above.

