

# **Big Hill Property Owners Association Architectural Control Committee Architectural Regulations & Design Standards**

## **Preamble**

This Preamble embodies the beliefs and concepts on which Big Hill was founded. It introduces the role of the Architectural Control Committee (ACC) that was established by the Developer and is now overseen by the Board of Directors. The ACC exists to sustain the integrity and identity of our community and to protect our values, interests, and investments in Big Hill. Sustaining and protecting the community's rich natural green spaces, managing future growth of the community in a way that respects our natural environment and responds to the expressed needs and interest of its members will be our goal. Our community respects each others privacy and freedom, and we strive to create an environment that is tolerant and accepting of individual differences. ACC recognizes the need for self-expression and that it should not set such confining limitations that will stifle originality and destroy creativity in designing one's home and other improvements. However, some restrictions are needed for the protection of other residents who share or will share in the community environment of Big Hill.

The role of the ACC is to provide architectural and environmental assistance to new and current residents before and during the construction of new homes, outbuildings, or renovation or modification of the exterior of existing homes and outbuildings.

If you plan to build, renovate or demolish, consult the ACC Regulation and Design Standards, submit to the ACC the appropriate documents and contact an ACC member if you have any questions.

The ACC Regulations and Design Standards undergo periodic review and are updated to ensure they remain relevant to current conditions. Each revision replaces and supersedes all previous versions. This is a supporting document to our Declarations of Restrictive Covenants and does not intend to replace it.

## CHAPTER 1- OVERVIEW OF ACC

**Declaration of Restrictive Covenants** The Declaration of Restrictive Covenants of Big Hill Acreage Homesteads, Article XVI Rule and Regulations states ***“...the Association shall have the right to establish reasonable rules and regulations...Such rules and regulations shall be binding upon all lot owners...the Association shall have the authority to impose reasonable monetary fines and other sanctions...”*** Article XXI Grantee's Acceptance states ***“...By such acceptance such grantee or purchaser shall...consent and agree to and with Developer and the grantee or purchaser of each other lot or parcel to keep, observe, comply with and perform the covenants, conditions, and restrictions contained in this declaration, and all amendments and supplemental declarations thereto.”*** Article XV Assessments A. General states ***“...Association, shall have the power to levy special assessments, at such time, for such amounts and for such purposes as may be specified in any amendment or supplemental declaration to this Declaration...The amount of each assessment levied by any party or parties authorized by this Declaration to levy assessments shall constitute a personal obligation of the owner of the lot against any such assessment is levied and shall be paid to the party making such levy on or before the date or dates specified.”***

### ACC Committee

ACC is a volunteer Advisory Committee to the Board of Directors. It consists of not fewer than three and not more than five members as determined by the Board and/or ACC Chairperson. If necessary, the absence of an ACC member may be filled temporarily by a member of the Board of Directors. Committee action requires a 50% quorum.

### Role of the ACC

1. Purpose- Preserve and maintain our community to protect our values, interests and investments in Big Hill
2. Implementation- The Board of Directors (BOD), by approving ACC Regulations and Design Standards, has authorized ACC to act in the interests of all members to approve or disapprove, grant variances where specifically provided for in these covenants for each of the Development Phases, all plans, specifications, details, materials and color schemes for buildings and other structures to property (including demolition) and to establish restrictions on landscaping, and tree and shrub removal where applicable. Regulation includes consideration of, but not limited to, quality of construction, spacing on the building lot, aesthetic appearance, harmony with surroundings, impact of proposed construction or project upon neighboring properties, and other ecological considerations. All current and future property owners are encouraged to read ACC Regulations and Design Standards and contact ACC for any questions of clarification.
3. Development Phases refers to two sets of restrictive covenants for two groups of lots.  
Phase I: Lots Numbered 1-99  
Phase II: Lots Numbered 100-136  
Note: There are two acreage tracts approximately 24 and 25 acres in size respectively which have the option of choosing either set of restrictive covenants from Phase I or Phase II.

### Compliance

1. ACC Regulations and Design Standards apply to all property, improved and unimproved, new single family residential home construction and all external additions or alterations to existing homes or structures (including demolition), and landscaping/tree and shrub removal where applicable. They also apply to repainting if changing from the existing color scheme, re-roofing changing existing color, septic field clearing, driveway widening and other exterior renovation or repair.
2. All Big Hill property owners must comply with ACC Regulations and Design Standards. All property owners with concerns about compliance shall notify ACC as soon as possible so that preventative and/or remedial action can be taken.

3. All requests for improvement or modification of property must be done in writing, providing the applicable documents.
4. Property owners are financially responsible for any and all issues that may arise from noncompliance.

### **Scope of the ACC**

1. ACC approval is required for any new construction or external modification of existing homes, other structures and landscaping, tree/shrub removal (where applicable). ACC must receive application and all relevant documentation at least thirty (30) days prior to the commencement of such construction.
2. In order to avoid unnecessary expense and revision, prior to submitting plans for new construction, an initial meeting between the owner and ACC is encouraged. Review and approval of projects will include consideration of the project's impact on and harmony with the surroundings.
3. ACC will review plans and projects and return responses as promptly as possible. Any action by ACC members requires approval by a majority of the members. Projects will be reviewed within 30 days of receipt of complete project/plans package. Any changes to previously approved plans and projects must be re-submitted for review prior to implementation.
4. The property owner will receive written notification of the committee's decision. If modifications are to be made, the applicant shall receive written notification and a future review will be planned.
5. If a variance is requested, the approval process may take somewhat longer. (See Chapter 4)
6. Any inspection or approval by the ACC shall be for the sole purpose of ascertaining that the work complies with ACC requirements set forth in ACC Regulations and Design Standards and does not imply compliance with building codes, or any codes, regulations, or requirements of any government agency.
7. If you have questions about whether or not you need to apply to ACC before beginning work on a project, please call an ACC member. The ACC is here to help and to consult with you.

## **CHAPTER 2- NEW CONSTRUCTION AND PROPERTY IMPROVEMENT/RENOVATION**

New construction or any exterior property improvement and renovation of any single-family residential dwelling, porch, garage, carport or other structure should have approval by the ACC prior to any land clearing, grading or construction should begin. Minor home projects and repairs such as adding terrace, patio, touch up painting, pressure washing, window replacement, etc. do not require prior ACC approval.

**Submittal of Plans:** All property owners planning new construction must provide:

1. Two printed sets of a site plan having dimensions of not less than 11" x 17" nor greater than 18" x 24" prepared by a licensed surveyor, showing the proposed structure's location on the lot within the building setback areas specified by regulations, location of proposed buried tank and location of erosion control measures. No site work may commence prior to ACC's approval of the site plan and an on-site meeting with an ACC member and general contractor or representative and site subcontractor.
2. Two printed sets of building floor and elevation plans having dimensions of not less than 11" x 17" nor greater than 18" x 24" which must show at a minimum the type of foundation, siding and roofing material, and color scheme.
3. A copy of a survey prepared by a licensed surveyor.
4. Provide contact information of the property owner and contractors. In the event we must reach someone in a timely manner, phone numbers and e-mail addresses are the preferred method of communication.
5. A refundable deposit will be due from the property owner for Environmental Damage/Compliance Deposit (See Chapter 5) and Phase II property owners are to pay a plan review fee of \$50.

**Site Requirements:**

1. No work shall commence on the site until the site plan is approved and an on-site meeting with an ACC member by the general contractor or representative and site subcontractor.

2. The proposed location of such structure and building setback lines must be staked on the lot. If the house is sited within 5' of the Building Envelope, surveyor must locate.
3. The property lines closest to house and septic system must be marked.
4. Generally, the house driveway will require a culvert near the entrance with the frontage road. The culvert shall be no smaller than 16" in diameter corrugated plastic (preferred) or galvanized steel.
5. Erosion control fences around the disturbed house site shall be installed the day clearing is completed and maintained during the time of construction.
6. Erosion control fences are required on the downhill side of the septic field and shall be installed the day clearing is completed and maintained during the time of construction. The disturbed area shall be seeded, fertilized with 10-10-10 and lime, and straw applied no later than the next day after inspection by the health department.
7. Natural drainage or road culvert shall not be changed without approval.
8. Port-a-Jons shall be placed at least 50' from the edge of road
9. Repairing any road damage due to construction vehicles is the responsibility of the general contractor and/or property owner. Repairs must be approved by the Road committee.
10. Any access to the interior of the lot, other than approved driveway, by any equipment or trucks along the road frontage shall be approved by the ACC.
11. Trailers unloading equipment on paved roads shall provide a wood or rubber mat under the unloading ramps. Equipment with steel tracks shall use mats while traversing a paved road.
12. During construction, a dumpster for trash shall be provided on site as close to the house as possible.
13. No outdoor fires are permitted at any time.
14. Cement trucks are not permitted to clean out their "drum" along the road right-of-ways in the development.
15. There are utility conduits under paved roads for certain lots to be used when the junction box for the lot is on the opposite side of the road. Information available from the ACC.
16. At anytime, an ACC member shall be granted access to inspect the site during construction. When construction is complete, a member from both ACC and Road Committee shall meet with the general contractor for a final inspection.

**Setbacks** i.e. "building envelope" represents the closest point of the house roof fascia, deck, or deck roof.

Phase I: Lots Numbered 1-99

Each dwelling shall be at least:

1. Fifty (50) feet from all road right-of-ways lines;
2. Fifty (50) feet from the rear lot line;
3. Fifty (50) feet from interior lot lines other than rear lot line;

Each outbuilding shall be at least:

1. Seventy-five (75) feet from all road right-of-way lines and from all lot lines

Phase II: Lots Numbered 100-136

Each dwelling shall be at least:

1. Thirty-five (35) feet from all road right-of-ways lines;
2. Thirty (30) feet from the rear lot line;
3. Thirty (30) feet from interior lot lines other than rear lot line

**House Size** for Phase I & II

Minimum Size- Dwelling constructed shall have a minimum of 1,000 square feet of fully enclosed habitable heated living floor area for one story buildings and in the case of two or two and one-half story buildings, shall contain no less than 750 square feet of fully enclosed heated floor area on the main ground level and not less than 250 square feet of heated living floor space on the second floor or loft area. However, ACC, at ACC discretion, may grant variances from these square footage requirements when in ACC's judgment the topography of the lot and the location of the road right-of-way lines across such lot make it impractical or

impossible to construct on such lot a building that conforms to the minimum square footage requirements set out herein.

**Maximum Height-** the maximum house height must not exceed 2&1/2 stories or no more than thirty-five (35) feet measured from grade at principal entry to ridge of roof.

**Construction Methods-** Conventional “stick-built” and log homes are allowed. “Modular” & “Panelized” homes are also allowed as long as they meet the following definition: “A house which is brought in finished modules or panels on a truck bed and requires a crane to lift and place on a permanent foundation.” No prefab 'manufactured' dwellings with a rolling chassis/frame or removable axle(s) & tongue will be allowed to be placed within the subdivision.

**Incomplete Projects-** New construction or any improvements, once commenced, shall be completed within eighteen (18) months unless an extension is granted by the ACC. Incomplete projects, where construction has ceased for 90 consecutive days, or which have been partially or totally destroyed and not rebuilt within ninety (90) days will be deemed a nuisance. ACC will attempt to contact the property owner and arrange a time frame in which the project will be completed or removed. If the owner fails to respond within 20 days of notification of the nuisances, the ACC will implement procedures identified for violations at the expense of the owner, the cost of which will be levied as an assessment against the owner's lot.

### **Exterior Features**

**Siding-** All exterior siding and trim must consist of materials that have a natural appearance and be primarily either of wood shakes, shingles, logs, board and batten, lap board, concrete siding, vinyl siding or other natural looking building material. Stone, high quality cultured stone or brick may be used for accent only. Exterior walls may be left natural, stained or painted. ACC, at it's discretion may permit other types of high quality exterior materials that are in keeping with the appearance of the materials listed above. No corrugated metal with shiny or baked glazed finish may be used on the exterior siding of the dwelling.

**Color schemes-** Color approval by ACC includes all parts of the exterior structure including house and window trim, all exterior doors, eaves, etc. When approving color schemes keeping harmony of external color with existing structures and the natural environment and as to its location with respect to the effect on the view from the surrounding development will be considered.

**Phase I:** Earth tone colors are strongly encouraged to match our natural environment.

**Phase II:** Allows only earth tone colors. “Accent” colors, if used in moderation, may be selected but requires approval by ACC if visible from the road or neighboring properties.

**Basements, Crawl space/Foundation walls-** Exposed foundations may be concrete or block if stone or brick veneered, or can be stucco if paint is applied.

**Roof-** Roofing materials with earth tone colors harmonize better in a wooded setting and make the roof less obtrusive. Materials approved include class A, architectural asphalt shingles, slate, artificial wood shake, or metal (if coated with a non-glare material). No blue roofing is permitted. Other roofing materials are subject to review and approval by ACC.

**Chimneys-** All chimneys with spark producing fires must be equipped with screens or chimney caps. Caps, vents and other protrusions from roof must be painted black, dark brown or the same color as the roof or siding.

**Garage & Outbuildings-**

Phase I: A garage may be attached to the house by a common wall or breezeway or may be detached; if detached (free standing), it will be considered as an outbuilding and must meet the following outbuilding lot size requirement; For lots with three acres or more, one outbuilding is allowed (for each three acres).

Phase II: A garage may be attached to house by common wall or breezeway. No outbuilding(s) are allowed.

**Utilities-** Storage tanks (i.e. LP tanks, water tanks, etc.) should be buried if possible or screened so as not to be visible from any street or neighboring property. Electric lines should also be buried. If you choose to use Geothermal heating & cooling it must be a closed loop system.

**Solar Panels-** Solar Panels must be unobtrusive.

### **Landscaping, Tree/Shrub removal-**

Phase I: We strongly encourage homeowners to respect our mountain setting and help minimize erosion that can damage our streams & green-spaces by minimally clearing trees and shrubbery unless required for purposes of view, air circulation, gardens, pastures, etc. Clear cutting is prohibited as it would rapidly present conditions favorable for erosion and potential contamination of surface water. All uprooted stumps that are visible from Common Areas must be removed. Where tree stumps are not uprooted, they shall be removed or trimmed to a maximum height of 4 inches above ground if visible from Common Areas.

Phase II: Other than required for the driveway, septic system and house location, no brush or shrubs, including but not limited to, mountain laurel, wild azaleas, rhododendrons, or trees greater than 8 inches in diameter, unless located within twenty (20) feet of an authorized structure, shall be cut, trimmed or removed from any lot or any portion of any other land subject to prior approval of such trimming or removal by ACC. As is feasible, lots are to be left in their natural state with natural vegetation located thereon, no grass lawn shall be planted or maintained on any lot. Reasonable clearing outside the home site area for additional vegetation is permitted with the approval of the ACC. All uprooted stumps must be removed that are visible from Common Areas. Where tree stumps are not uprooted, they shall be removed or trimmed to a maximum height of 4 inches above ground if visible from Common Areas.

The approval of a lot owner's Fire Wise Landscaping Plan as provided by the North Carolina Division of Forest Resources shall not be denied so long as such plan does not include planting or maintaining a grass lawn on such owner's lot.

There is no approval required for the following: removal of dead trees, bushes or branches; the judicious removal of tree branches or trimming bushes to improve air circulation, sunlight or a view; the removal of any tree more than twenty (20) feet from an authorized structure which is in danger of falling and causing damage or harm to such structure; Seeding of septic fields and exposed graded banks to stabilize the soil.

### **Erosion Prevention & Sedimentation Control**

Being a neighboring community to the headwaters of the East Fork River of the French Broad River and wanting to conserve our community's beautiful green areas, erosion prevention and control of sedimentation and siltation of ponds, streams, etc. in Big Hill is a vital function of the property owner and builder. It is imperative to control surface runoff and divert water to undisturbed areas. The property owner and contractor are required to meet with ACC prior to any site development to review the erosion control plan and agree on the owner's responsibility for initiation and implementation. Installation of erosion control measures must precede actual grading. These measures are required by North Carolina State Law and a detailed description of methods for protection of disturbed areas is available to property owners and their contractors in a publication of the NC Department of Health and Natural Resources. The Transylvania County Planning Department, 98 E Morgan Street, Brevard, NC (828-884-3205) publishes: "Residential Erosion Control. Control Erosion and Prevent Sediment Damage When You Build a House"

### **Rules for Construction Crews**

**A copy of Big Hill Rules for Construction Crews should be downloaded and posted on each property job site during construction understanding that the contents of the notice must be communicated to all construction workers, sub-contractors and delivery personnel. Failure to comply can result in a fine charged against the Environmental Damage/Compliance Deposit.**

1. Heavy equipment cannot be stored or left unused on any property for more than three working days without ACC approval.
2. Heavy equipment that is blocking the road cannot be left unattended.
3. Worker's vehicles and delivery trucks must not block roads.
4. No open burning is permitted on the job site.
5. There will be no littering on the job site or adjacent properties. Trash, bottles, cans, paper wrappers, plastic, cigarette butts, etc. must be placed in appropriate containers on the job site.
6. No trash, fasteners (ie. nails, screws, bolts, etc), may be thrown out along the development roads and should be secured before traveling.
7. Trailers unloading equipment on paved roads shall provide a wood or rubber mat under the unloading ramps. Equipment with steel tracks shall use mats while traversing a paved road.
8. Any road damage due to construction vehicles is the responsibility of the general contractor and/or property owner. Repairs must be approved by the Road Committee
9. Work Hours by contractors:  
Monday through Saturday: 8 AM to 7 PM  
Sunday: None  
Exceptions may occasionally be granted if sufficient reasons given and 24 hour advance notice.

### **CHAPTER 3- GENERAL REGULATIONS**

**Fires-** With the exception of fires in a firepit with lid, Chiminea and grilling on personal barbecue apparatus, there shall be no open burning or burning of materials in barrels or other open containers of any kind on any lot.

**Signs-** One sign naming the lot or house, containing no more than two (2) square feet, shall be allowed on any lot without the permission of the ACC other than one sign advertising the lot or house for sale containing no more than three (3) square feet.

**Exterior Decoration-** If exterior decorations (seasonal, etc) are seen from the road and are considered a nuisance the ACC shall have the authority to request that they be removed.

#### **Fences-**

Phase I: No fence or wall shall be constructed closer to a road than the road right-of-way line or obstruct site lines at elevations between 2-8 feet above road ways.

Phase II: No fence may be constructed on any lot that is "visible" from any point in the development including neighboring properties with the exception of a chicken run which has been constructed and located on a lot set back a minimum of twenty (20) feet from property side and rear lines and no less than sixty (60) feet from the road right-of-way or the front of the house, whichever is greater.

#### **Outdoor lighting-**

Phase I: Only minimal outdoor lighting is allowed to cut down on light pollution. Outdoor lights including landscape lighting must be unobtrusive and shall be placed so as to avoid annoyance to adjacent residents and shall not remain on continuously.

Phase II: No “street light” or any “all night” type outdoor lighting shall be used, placed, installed or erected on any lot. All outdoor lighting, including the location, intensity and duration of such lighting must be approved by ACC of any outdoor light which is visible from any portion of the common area or from any other lot than any standard lamp or other light fixture located within such lot owners dwelling using bulbs of reasonable indoor wattage or illumination as to not cause light pollution to the surrounding area.

**Mailboxes-** Large black “estate” box placed on off-set cross post for lots 1-99. Cluster Box for lots 100-136 and all future lots.

**Tarps-** Tarps or covers used outside (ex. On woodpiles) should be a neutral color that blends into the environment if it can be seen from neighboring properties, common areas or roadways in the development

**Boat, RV or Utility Trailer Storage-** Storage of more than 7 days is prohibited unless it is not considered a nuisance. These items may not be considered a nuisance if they are not “visible” from neighboring properties, common areas or roadways in the development.

#### **Livestock-**

Phase I: Livestock of horses, cows, goats, chickens and other domestic animals other than pigs may be kept on lots which are one acre or more in size, provided that such animals are not kept, bred or maintained for any commercial purposes, and are housed in barns or other similar structures and enclosed within fenced enclosures containing an area of at least one acre for each horse or cow confined therein and one-half acre for each goat confined therein. A maximum of 20 fowl may be kept on each lot provided that they are confined in a fenced enclosure located at least 75 feet from all lot lines and road right-of-ways. All barns and other structures for confined livestock must be designed, constructed, erected, installed, cleaned and maintained in a manner which has been approved by the ACC.

Phase II: Only dogs, cats or other household pets and chickens are allowed provided that such animals are not kept, bred or maintained for any commercial purposes and are restrained either indoors of the single-family dwelling or garage or restrained by leash, electronic invisible fence or a chicken run. No roosters are allowed. Up to 8 chickens and only 1 coop are permitted. Chicken enclosures of coop and chicken run, whether stationary or portable, shall be of such colors as subdued earth forest tones of brown or green which will blend in with the natural surroundings. Enclosures shall consist of a top and sides comprised of materials of sufficient design and durability as to prevent chickens from exiting the enclosure. Coops must provide walls and flooring materials conducive to regular cleaning and sanitation. Coops shall provide a minimum of two and one-half square feet of floor area for each chicken, and shall not exceed sixty square feet of ground floor area in size. Coops and runs shall be set back a minimum of 20 feet from property side and rear lines and not less than 60 feet from road right-of-way or the front of the house, whichever is greater. Chicken runs shall provide a minimum of 5 square feet of ground area for each chicken. Enclosures shall be situated in the side or rear yard of any property containing a principal structure and kept clean, sanitary, healthful condition with all droppings and organic waste material managed, removed and disposed of in an appropriate manner, and chicken runs shall be relocated or otherwise managed, so as to prevent erosion, minimize odors, the breeding of flies and occurrence of infectious disease.

**Nuisances-** Any object which might tend to create disorderly, unsightly or unkempt conditions; significantly loud noise or vibration which extends beyond property lines; or similar unreasonable behavior or activity curtailing or likely to curtail the reasonable pleasure and use of lots and common areas in the development shall be deemed a nuisance.

## **CHAPTER 4- VARIANCES**

### **Approval**



1. ACC and the Board of Directors may approve reasonable variances from the regulations. Affected neighboring property owners will be given consideration.
2. If the ACC approves the variance, it shall notify the Board.
3. If the Board approves the variance, the ACC shall notify the property owner in writing of approval.

**Denial**

1. If the ACC denies the variance, it will advise the Board of its decision
2. If the Board supports the ACC decision of denial, the ACC will advise the property owner that the variance has been denied, but that an appeal may be made to the board. An appeal to the Board must be supported by written documentation justifying the appeal and why the decision should be overturned.
3. The Board shall notify ACC of its decision and the ACC will inform the applicant.

**CHAPTER 5- FEES, DEPOSITS AND DEPOSIT RETURNS**

**Fees and Deposits (see on following page)**

1. **Review Fee** is non-refundable. (Applicable to property owners in Phase II) A fee of \$50.00 shall be paid to Big Hill POA at the time the site plan and building floor and elevations plan are submitted to the ACC.
2. **Environmental Damage/Compliance Deposit (EDCD)** is partly or fully refundable depending on environmental or physical damage or lack of compliance with ACC regulations. This includes but is not limited to sediment run-off from construction site, uncontained debris/trash, contamination of tributaries or streams, damage to/or destruction of vegetation, damage to community signs, roads, bridges or infrastructure. If the ACC notes that damage has occurred or likely to occur or compliance has not been met, remedial measures will be requested. If these measures are not implemented or remediation is not possible, all or part of the ED CD is withheld until the requested action is implemented or damage evaluated. It is important to note that any environmental or physical damages are the responsibility of the property owner, even if it is caused by a property owner's employee or hired worker.
3. All fees and Deposits are payable to Big Hill POA and are given to ACC Chairperson or mailed directly to "The ACC Chairperson, Big Hill POA, 160 Green Hollow Lane, Box -3, Brevard, NC 28712 (See Table of Property Fees and Deposits below)
4. **Compliance Deposit Refund**- When work has been completed the ACC and Roads Committee representatives will visit the site to determine compliance with the ACC Regulations. If the project has not met all standards the ACC will provide recommendations to the property owner on steps to gain full compliance, if remediation is possible, and will recommend that all or part of the deposit be withheld or that additional charges are made. After construction is completed, any payment for damages not repaired by the contractor or property owner will be drawn against the ED CD. In the event that the damage repair cost exceeds the deposit, the property owner will be charged the difference between the balance in the ED CD and the total cost of repair.
5. Satisfactory compliance is reported to the Board of directors. The Board will either refund the entire deposit, or a reduced amount that is based on either non-remediated damage, or any fines imposed or expended by Big Hill POA to repair road, environment or any other damage not repaired by the contractor or property owner. The property owner will be given an itemized statement of all such expenditures.

**Table of Property Improvement Fees and Deposits**

Project	Fee	Deposit
New Dwelling Construction Review of Plans, survey, site plan, etc.	\$50.00 (Phase II only)	

New Construction of Dwelling:		Environmental Damage/Compliance Deposit (EDCD) \$3,000.00
Construction of Outbuilding, Exterior Renovation, Addition, etc. which requires a building permit.		Environmental Damage/Compliance Deposit (EDCD) \$1,500.00

## CHAPTER 6- REGULATION AND DESIGN ENFORCEMENT PROCEDURES

**Enforcement Procedure-** If the ACC receives a report of unauthorized work, it will attempt to contact property owner and make all efforts to resolve issue in the shortest time possible. If the property owner cannot be contacted immediately, ACC will make a site visit to confirm accuracy. If confirmed, ACC shall determine if the situation can be remedied and if there is any immediate danger to safety or property.

1. If there is no immediate danger and the situation can be remedied, ACC will make additional attempt to contact property owner. If unable to contact property owner, or the property owner is unwilling to remedy the situation, ACC will decide if a violation has occurred. If a violation has occurred, ACC will notify the Board of Directors, informing them of the specific violation and the fine range.
2. If there is no immediate danger and the violation cannot be remedied, e.g. tree or shrub removal, the procedure in (1) above will be followed.
3. If a danger to safety or property exists, or an environmental risk exists, ACC will attempt to reach the property owner immediately to remedy the situation. If unable to reach the property owner and it is crucial for corrective action to be implemented, ACC may contact the Board of Directors to request immediate remediation. The property owner and the Board will be notified of the violation in the same manner as in the procedure outlined in (1) above.

**Fines for Violations-** ACC is authorized to recommend fines to the Board of Directors for non-compliance with ACC regulations. If the Board decides a fine should be imposed, a fine not to exceed one-hundred dollars (\$100) per day may be imposed for the violation and without further hearing, commencing five days after the decision that the violation occurs.

The property owner is also responsible for any additional fines that may be levied by Federal, State or local authorities.

ACC fines are levied in accordance with the table below. This list is not exhaustive but indicates Fine Levels and examples of violations under each level, knowing that any violation of ACC Regulations and Design Standards may be subject to fine, whether or not it is represented in this list.

**Table of Fine Levels**

Fine Level	Violation/Where Applicable	\$ Fine Amount
Level 1	<ol style="list-style-type: none"> <li>1. Starting a Project without ACC Approval</li> <li>2. Violating work hours</li> <li>3. Construction debris/trash on site or along roadway</li> </ol>	Up to \$100
Level 2	<ol style="list-style-type: none"> <li>1. Unauthorized tree/shrub removal</li> </ol>	Up to \$100 per tree/Shrub plus restorative action as determined by

	<ol style="list-style-type: none"> <li>2. Unauthorized severe tree/shrub pruning</li> <li>3. Unauthorized shrub cleared/removed</li> <li>4. Failure to protect trees during construction</li> </ol>	Board
Level 3	<ol style="list-style-type: none"> <li>1. Failure to add/change/remove an object or nuisance as requested</li> <li>2. Failure to control erosion</li> <li>3. Unauthorized temporary structures</li> <li>4. Blocking roadways/ driveways/parking area</li> <li>5. Unauthorized/ Unattended fires</li> <li>6. Removing hazard/junk/eyesore</li> </ol>	Up to \$100 per day until in compliance