

Visitors and New Property Owners, **Welcome to Blackberry Mountain!** Enjoy the natural beauty and mountain peacefulness that have been valued by all property owners since Blackberry Mountain began.



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PROPERTY OWNERS' HANDBOOK





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INTRODUCTION

The Cherokee Indian Nation first inhabited the banks of the Cartecay River, nourished physically and spiritually by it's rushing waters. After the turn of the 20th century the Charles E. Stegall, Jr. grist and sawmill served the Gilmer County community and was located to the East approximately 40 feet behind the Blackberry Mountain and The River's Edge office. About 40 years later his widow, Mabel, sold the property to the Pickett family of Jasper, Georgia, who eventually sold to the original Blackberry Mountain developers.

In 1981 the local blackberry gathering patch was purchased by private developers who recognized the area's potential as an attraction for weary city dwellers and those who cherish the woodland setting. The sparkling Cartecay River remains the focal point for visitors and owners alike.

Their determination to preserve this mountain gem was put forth in the Declaration of Covenants and Restrictions, a guide respected twenty years later by the current property owners of the Blackberry Mountain Association, Incorporated.

The 500 acre development is identified by it's various *colonies*. High Meadow, the first to be created, followed by Limberlost, Limberlost Extension, Settler's Spring, Spring Lakes, Blackberry

Falls and Nash's Pond. It remains for the Association today to preserve and protect this beautiful mountain landscape entrusted to our care. Heaven is under our feet as well as over our heads...

H.D. Thoreau





BLACKBERRY MOUNTAIN ENVIRONMENTAL ETHIC

The beautiful Cartecay River and it's surrounding woodland setting remain the primary attraction for Blackberry Mountain residents. In order to sustain this natural setting for both present and future enjoyment, a few simple guidelines must continue to be followed.

A natural buffer of undisturbed native vegetation is the best protection from pollutants spilling into any body of water after rain. Flowering shrubs, ferns, mosses and groundcovers provide the shade necessary to keep water temperatures at levels

low enough to sustain trout and other aquatic life. The intermingling of root systems at the edge of the river provides support for trees and vegetation which is greatly weakened when cut. River property owners are encouraged to keep the removal of native vegetation to a minimum when view trimming. State law now requires a 50 foot buffer before construction can begin.



The Design Committee and the Board of Directors encourage property owners to restore cleared areas with native plants. These will enhance the natural setting and best survive in times of drought. The reward will be an even more appealing Blackberry Mountain, with appreciation from our wildlife!

Restore and protect!



BLACKBERRY MOUNTAIN ASSOCIATION RULES

The purpose of this Blackberry Mountain Association rule explanation is to provide members, renters, guests and service suppliers with an easy reference on the most common issues they may encounter. This explanation of rules are not meant as a substitute for the governing bylaws and covenants of the Association. Mem-

bership rules are implemented to protect the common interest of all members and promote Blackberry Mountain as a safe and attractive place to live. The Blackberry Mountain Association Board of Directors is responsible for the development and enforcement of these rules as



covered under Article X of the Bylaws.

The manager and staff of Blackberry Mountain Development will enforce these rules under the direction of the board of directors. For clarification of these rules or assistance in complying with them please contact the Blackberry Mountain property manager at 706/ 273-3100.

Property Improvements

All outside additions, including but not limited to structures, roofing, fencing, staining and land disturbance must first be presented to the Design Committee for approval. Unauthorized improvements are subject to removal at owner's expense. See Design Committee Rules for more details.

Signs

Only signs approved by the Blackberry Mountain Design Committee are allowed for public display. Construction job sites must comply with Association Covenants. Signs promoting sale or rent are strictly forbidden. Members may contact the Blackberry Mountain office during normal working hours to



post property for sale or rent on a bulletin board at the office Blackberry Mountain Development will refer interested parties to the telephone number you provide.

Limiting Access to Blackberry Mountain

members All are responsible for limiting access to Blackberry Mountain to only authorized residents, guests, renters or service providers. Full cooperation with public safety, our public safety officers and management is required. The front entrance is restricted to residential traffic only. All construction traffic is to use the rear entrance.



Garbage and Trash Disposal

All garbage must be enclosed in standard garbage containers at each homeowners residence and not be unsightly to other members. It is the responsibility of each homeowner to remove garbage from their property. A county convenience center is located on Hwy 52 west of Mulkey Road.

Storage

All storage must be hidden from public view in approved facilities. Fuel tanks must be underground or covered from view. Detached structures must have Design Committee approval in writing prior to construction.

Motorcycles, House Trailers, Recreational Vehicles, Boats and Trailers

Motorcycles, motorbikes, house trailers, golf carts and recreational vehicles are prohibited. Parking of boat and trailers is permitted in closures approved in writing by the Design Committee.



Use of Firearms

Fire arm use is prohibited within Blackberry Mountain.

Protection of Wildlife

Hunting or other destruction of wildlife is prohibited other than fishing in accordance with Georgia regulations.

Antennas

Dish antennas are restricted to no larger than 18" in diameter. Larger dish antennas installed prior to 2/15/97 may remain, but future replacement will be limited to the 18" diameter. All other antennas must be of



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standard size. All antennas must be attached to the residence or installed in such a manner as not to be unsightly to other members and not visible above the tree tops. The Design Committee must approve any exceptions in writing.

Applicability of Rules

Rules apply to all members, renters, guests, construction workers and service suppliers. Members will be responsible for the conduct of their guests and renters under these rules.

Cooperation with Blackberry Mountain Security and Management

It is each individual's responsibility to cooperate with public safety officials and management as they carry out their duties. Observe all speed limit signs.

Failure to Comply with Blackberry Mountain Rules

Members, renters, construction workers and service suppliers may be fined up to \$50.00 per infraction after a written request to comply has been issued. Guests and service suppliers may be asked to leave and be prohibited entry without written notice, if they willfully fail to comply with established rules.



BLACKBERRY MOUNTAIN ASSOCIATION DESIGN COMMITTEE

Purpose & Authority

Blackberry Mountain is an architecturally controlled community, so established to protect and preserve the beauty and integrity of the environment and property values of the property owners by maintaining architectural standards, aesthetic harmony among the lots and structures that make up the community. Towards these ends, the Design Committee is a standing committee provided for by the Blackberry Mountain RCCs and is charged with establishing and maintaining architectural standards in the property. The Design Committee has the authority to make and enforce rules, impose monetary fines and use other means to ensure compliance with Blackberry Mountain standards. In addition, the Association also has the authority to correct violations and assess the cost of such corrections to the property owner.

Compliance

It is the responsible of each property owner to become familiar with the RCCs and Design Committee Rules. All property owners and contractors are legally obligated to comply with them and are responsible for ensuring that their family, guests and friends do so as well. When a property is leased, the renter and his/her family and guests are expected to comply just like a property owner; however, the property owner has the ultimate responsibility to assure compliance.

General Design Committee Rules

- Storage of household goods such as ladders, lawn equipment, recreational vehicles, etc. may not be placed under decks or anywhere viewed from streets and/or neighboring property. It is possible that the placement of lattice work may provide a solution, but this will require individual approval from the Design Committee. Approved outside storage structures are another remedy.
- Outdoor decorations and accessories visible from the street must be made of natural materials (i.e. wood, stone or concrete, painted with colors blending with tree bark). This includes children's permanent play equipment. Seasonal decorations are an exception. The color white or any color that appears to be white is not approved outside in Blackberry. Our goal in Blackberry is to use colors that compliment native shrubs and trees.
- Plastic or fake flowers are not part of the natural environment and therefore are not approved.
- Approval is required of plans prior to landscaping. Future foundation plants (trees and shrubs) must be native. Leyland cypress are not approved. The Association office has a helpful list of suggested native plants.
- Property owners are required to maintain their lots, keeping them free from litter and debris.

These rules are in addition to those requirements specifically set forth in the Restrictions, Covenants and Conditions which include prior approval for any additions, staining and tree removal beyond covenant indicated size and land disturbance effecting watershed. There is a separate list of design requirements for those anticipating construction on lots.



Construction Rules and Regulations

Pre-approval

The Blackberry Mountain RCCs require that changes affecting structural exteriors or lots must have the prior written approval of the Design Committee. Forms may be obtained at the Blackberry Mountain office. Specifically, the following changes require prior written approval:

- · Additions of rooms, decks, carports and garages
- Paving, gravel, asphalt or concrete work
- Installation of fences, ponds, fountains and water features
- Installation of exterior flood or security lights
- Exterior painting/staining, regrading or other significant landscape changes
- Any detached outdoor structure including gazebos, archways and decorative displays

Pre-approval must be requested in writing using forms available at the Blackberry Mountain office.

Construction Time Frame and Schedule

Construction, renovations and additions must be completed within twelve (12) months from the date construction is approved. Work hours are Monday - Friday 7am -7pm and Saturday 8am -6pm. No work or deliveries are permitted before or after hours. No construction work on Sunday and holidays. Please notify the Blackberry manager when the project is completed.

Setbacks

Prior to any foundation digging, a lot survey with proposed locations of building(s), driveways and septic systems must be submitted to the Design Committee for approval. Setbacks from property pins are fifteen (15) feet from the side and rear lines, and forty (40) feet from the front line (the front line of a lot shall be deemed to be the lot line which is contiguous to a roadway. It is the responsibility of property owners to identify and mark the property boundaries so that compliance can be verified.

Construction Plans

Property owners must submit construction plans to the Design Committee for approval. Construction plans include floor and roof plans, elevations, roof and exterior finishing materials and siding and trim colors. Structures, septic systems and driveways must be staked on the lot and shown on a plat/survey.

- Finished siding material must be a wood product (log, bevel, channel, rustic board and batten, etc.). Brick, stucco, etc. are not allowed.
- Roofing materials must be wood shakes, fiberglass architectural or metal.
- Stain must be either semitransparent or solid. Paint is not allowed on building exteriors.
- Finished chimney material must be either stone or siding to match the structure.
- Finished foundation material must be stone. Walls not exposed to neighbors can be stained stucco.
- Retaining walls must be concrete finished with stone or railroad ties. Retaining walls not exposed to neighbors can be stained stucco.
- Windows must be either wood or metal
- Driveways must be gravel, blacktop or concrete
- The house must have a minimum of 1800 square feet of heated, completed living space.

Retaining Walls

Retaining walls must be installed to maintain ground stability around trees, structures, etc. to control erosion.



Equipment

No track equipment is permitted on Blackberry Mountain paved roads. All track equipment must be hauled to the job site. Concrete trucks shall be loaded to minimize spillage and/or damage to the roads. If there are any spills or damage from concrete on the roads it is the responsibility of the property owner to provide cleanups and/ or repairs. Concrete truck chutes can be cleaned only on the construction site. It is the property owner's responsibility to ensure the area where the concrete truck is washed out is cleaned up.

Road Damage

The property owner will be liable for any damage caused to Blackberry Mountain roads by service, delivery or construction vehicles visited the property of the owner.

Ground Disturbance

The Blackberry Mountain manager must be contacted prior to any ground is disturbed for culvert installation or clearing of any kind to provide for the location of existing power, phone and water lines. Any breakage of lines due to the construction will result in a damage fee being assessed to the property owner. Disturbed ground must be covered with pine straw or bark.

Silt Fences

Any construction or landscaping that involves the delivery or disturbing of large amounts of dirt necessitates the prior installation of a silt fence around the work area. When work is being performed near a wetland, river or pond, two (2) silt fences are required for stabilization. Silt fences must remain in place and properly maintained until the ground is stabilized.

Culverts

Culverts must be galvanized and a minimum of fifteen (15) inches in diameter. During and following construction, all culverts must be kept free of dirt, leaves and debris that might prevent proper water flow. Property owners must ensure that no debris runs off onto neighboring lots or common areas.

Driveways

Any driveway with an elevation upgrade of 12% or greater from the roadway must have a concrete or asphalt apron to prevent washing of gravel onto the roadway.

Water Flow and Drainage

When possible the natural channels of runoff should be maintained. When this is not possible, French drains, ditches, culverts, curbs or swale diverters should be used.

Fences

Fences are not in keeping with Blackberry's woodland environment and are discouraged. When allowed fences must be wooden and rustic in appearance.

Trees and Shrubs

Property owners must obtain written approval from the Design Committee before the cutting or trimming of any trees or shrubs under the following circumstances:

- Cutting down live trees with a base diameter of four (4) inches or greater. The measurement is taken where the trunk enters the ground.
- Cutting or trimming any limbs three (3) inches or greater in diameter. This measurement is taken where the limb joins the trunk.



- Side dressing or trimming regardless of tree or branch size for view.
- Topping any tree.
- Cutting or trimming or anything in common areas regardless of size.
- Anytime cutting or trimming is to be done by a professional tree service or paid help.

Written requests for Design Committee approval must contain a drawing of the lot that locates the trees in question. The trees must be tagged and lot lines located before the Design Committee considers the request. Any work requiring Design Committee approval that is performed without that approval may result in a fine up to \$500 per tree and/or replanting. There is no cutting of trees or shrubs allowed by property owners in the common areas. Immediately remove any soil or rock that is against the base of any tree due to washing or grading. It is the responsibility of property owners to remove any dead and/or fallen trees from their property.

Sanitation

During the entire construction period a portable toilet must be provided on the job site for all construction personnel. It should be located away from the roadway.

Site Maintenance

Building sites must be kept clean of all personal trash at all times. Building material remnants must be trucked off the site bi-weekly or more often if necessary. All building materials must be placed as inconspicuously as possible. It is the property owners' responsibility to see that the roadway is cleared daily of any debris. Debris, scrap and waste materials must not be buried under backfill.

Burning

A Gilmer County burn permit is required for any burning by property owners or workers. A copy of the permit and burn schedule must be provided to the Blackberry Mountain manager prior to any burning.

Limitations

Construction and service personnel are not permitted to use any of the Blackberry Mountain amenities such as picnic areas, river, ponds and fishing areas. Anyone violating this rule will be denied access to Blackberry Mountain.

Fuel Tanks

Fuel tanks must be installed underground or covered from view with lattice, or evergreen vegetation. Gas lines must be buried.

Water Service

Property owners are responsible for the cost of any water leaks that occur on their side of the tie-in. If property owners or their agent break a water line, regardless of which side of the tie-in, they will be charged for the costs of repairs.

Letter of Credit or Bond

To assure Blackberry Mountain of financial stability and, that construction will be completed and that payment of liability for damages or penalities arising from violations a bond or letter of credit must be supplied with each construction request.

Upon completion of the construction, the bond amount or remainder thereof will be returned to the property owner/builder. Any deficiency or additional liability to Blackberry Mountain, Blackberry Mountain shall create a lien against the owner's property and shall be enforced the same as other assessments.



Notice of Violations

Upon any violation of these rules or Gilmer County Building Development ordinances, written notice thereof will be provided and/or posted conspicuously on the premises. Phone contact will be attempted. However, the violation period starts from the time of posting. In the event that the violation is not rectified within twenty-four (24) hours of posting for silt fence violations and fortyeight (48) hours of posting for other violations, then the Design Committee has the right to take such action as necessary to correct the violation at the expense of the property owner/builder. In signing these forms, the property owner consents to the entry of the Design Committee or its agents onto the owner's property for the purpose of such corrective measures as are reasonably necessary. The direct or indirect cost of these measures shall be deducted from the bond. Any amount which exceeds the bond shall be the responsibility of the property owner/ builder. In addition to the cost of these corrective measures taken by the Design Committee, a penalty of one hundred dollars (\$100.00) per day shall be accessed against the bond for each day after expiration of the twentyfour (24) hours or forty-eight (48) hours period during which the violations continue.

Certificate of Occupancy

No occupancy of dwelling is allowed until a Certificate of Occupancy is obtained form Gilmer County Building Department and the Design Committee has signed off on the structure.

Appeals

Any decision of the Design Committee may be appealed to the Design Committee with justification for the appeal.

Amendments

The Design Committee may alter, amend or repeal its rules and regulations.



Blackberry Mountain Management Staff

Manager	Becki Bray, 706 273-3100
Fax	706 273-3201
Email	blackberry@ellijay.com
Security	706 273-3108
Address	Blackberry Mountain 25 Blackberry Mountain Drive, #8101 Ellijay, GA 30536
Website	www.ellijay.com/users/blackberry/

Blackberry Mountain Association, Inc. 2002 Board of Directors

Jack Wheeler, President	706 636-2588
David Galusha, Vice President	404 626-0581
Bill Henning, Treasurer	404 256-3282
Sharon Smith, Secretary	706 635-6234
Dave Teffeteller	706 635-2147

Blackberry Mountain Association, Inc. Design Committee

Maxine Morris	706 636-1163
Dave Teffeteller	706 635-2147
Sara Lee	706 636-3177
Jane McNulty	706 636-2716

Important Phone Numbers

Emergency	911
Time and Temperatu	re 706 276 -1212
Electric Service	Amicalola EMC, 706 276-2362
Telephone Service	Ellijay Telephone Co. 706 276-2271
Police Gilm	ner Co. Sheriff's Office, 706 635-4162



CHECKLIST FOR DESIGN COMMITTEE APPROVAL FOR NEW CONSTRUCTION AND REMODELING

The following is a list of items required by the Design Committee to process applications for construction and remodeling in Blackberry Mountain.

Gilmer County Building Permit
Blackberry Mountain Residential Completion Assurance Form
Gilmer County Septic Permit (new home or bedroom addition)

Survey or Site Plan showing house or addition, garages other all structures, driveways, retaining walls and septic system location

Construction Plans including floor plans, elevations, roof plans and exterior finishing materials including stain colors for siding/logs, trim and roof, chimney, walls and retaining walls. Minimum square footage of 1800 square feet of completed, heated living space.

	Payment of Bonds and Impa	act Fees
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Completed and Signed Request for Approval Form and Design Committee Rules and Regulations

Please submit all of the above items to the Blackberry Mountain office and the Design Committee will review your construction request within fifteen working days. The Design Committee chairperson will contact you regarding your request and set a time for a site visit.



REQUEST FOR NEW CONSTRUCTION, REMODELING & TREE/SHRUB REMOVAL AND PRUNING DESIGN COMMITTEE APPROVAL

roperty Owner's Name		
ot # Address		
ome Phone	Work Phone	Other Numbers
ontractor/Construction Company		Contact Person
ddress		
hone Numbers		
ew Home Construction		
 Blackberry Mountain Residential Signed Blackberry Mountain Des 	tic Permits ing location of proposed Completion Assurance sign Committee Rules a	d house, house plans with floor and roof plans and elevations Form
Finished, heated floor square foota	age	
Number of floors		
Basement finished square footage)	Unfinished square footage
Garage (describe location, square	footage & number of fl	loors
Number of bedrooms		Number of bathrooms
Setbacks from boundaries		
• Exterior siding material and color ((provide sample)	
Exterior trim material and color (pr	rovide sample)	
Roofing material and color (provid	e sample)	
Foundation material with finish and	. ,	
-		
		Estimated completion date



REQUEST FOR NEW CONSTRUCTION, REMODELING & TREE/SHRUB REMOVAL AND PRUNING DESIGN COMMITTEE APPROVAL

Existing Home Additions (Rooms, garages, carports, decks, etc)

A. Requirements

- · Copies of the following items must be submitted to the Design Committee with this request:
- Gilmer County Building and Septic Permits
- Current survey or site plan showing location of proposed house, house plans with floor and roof plans and elevations
- Blackberry Mountain Residential Completion Assurance Form
- Signed Blackberry Mountain Design Committee Rules and Regulations
- · Lot boundary pins, structure corner pins and septic system boundaries must be staked on property
- B. Description of Addition

Type of addition	
Addition finished, heated square footage	Addition number of floors
Addition number of bedrooms	_ Addition number of bathrooms
Addition setbacks from boundaries	
Exterior siding material and color (provide sample)	
Exterior trim material and color (provide sample)	
Roofing material and color (provide sample)	
Chimney material and color (provide sample)	
Wall material with finish and color (provide sample)	
Driveway material	
Fencing material and color (provide sample)	
	_ Estimated completion date
Other relevant information	

Existing Home Modifications (Exterior staining, fencing, landscaping, lighting, etc)

A. Requirements

- Copies of the following items must be submitted to the Design Committee with this request:
- Plans showing proposed modification
- Signed Blackberry Mountain Design Committee Rules and Regulations
- Lot boundary pins, structure corner pins and septic system boundaries must be staked on property (fences, walls, etc.)

B. Description of Modification

Staining	Colo	blor
• Fencing	_ Material	Color
Landscaping	Mat	aterial
	wa	
Lighting		
Other		



REQUEST FOR NEW CONSTRUCTION, REMODELING & TREE/SHRUB REMOVAL AND PRUNING DESIGN COMMITTEE APPROVAL

Tree/Shrub Pruning and/or Removal

A. Requirements

- A drawing indicating property lines, structures and driveways showing the trees and shrubs in question
- Trees and shrubs in question must be marked with tape
- Signed Blackberry Mountain Design Committee Rules and Regulations
- Note: Violations of the Design Committee rules relative to trees and shrubs can result in fines up to \$500 per tree and /or replanting

B. Description of request (removal, trimming, side dressing, etc.) _____

C. Number of trees/shrubs in question -

Please note that it is the property owners' responsibility to obtain a Design Committee approval request form and have received approval from the Design Committee prior to starting any work. Please notify the Blackberry Mountain manager when the work is completed.

I have read and will comply with the Design Committee Rules and Regulations and RCCs of Blackberry Mountain as well as any special conditions noted of the approval form. I am aware that I will be liable for any damage caused to Blackberry Mountain.

Property Owner	Date	
	Date	
Design Committee Member		
Conditions of Approval		
	Date	
Design Committee Member		
Reason(s) for Disapproval		



BONDS	AMOUNT
New Home Construction	
Builder's Bond *	\$3,000
Additions	
Under 500 square feet	1,000
• 500 to 1,000 square feet	1,500
Over 1,000 square feet	2,000
Exterior Alterations (painting, fencing, decking)	No bond required
Major Landscaping with Retaining Walls Bond	250
Driveways	
Gravel	100
Asphalt or Concrete	250
FEES (New Construction)	AMOUNT

Water Impact Fee	800
Water Tap On Fee	500
Road Impact Fee	\$0.30 per square feet of completed building space

* To assure the 100% completion of any construction a Bond of \$3000 or Letter of Credit for 15% of the completion value must be attached to this form and supplied to each request for approval from the Blackberry Mountain Design Committee.
 In the event the project is not completed, Blackberry Mountain has the authority to call the Bond

or Letter of Credit and provide for the completion of the project.



DESIGN COMMITTEE RULES AND REGULATIONS

I have read and will comply with the attached Blackberry Mountain Design Committee Rules and Regulations.

Property Owner	Date	

Lot Number_____ Address _____