



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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**Blackberry Mountain Association**

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**Blackberry Mountain Association
Board of Directors**

David Galusha, President	404 626-0581
Dave Teffeteller, Vice President	706 635-2147
Doug Colburn, Secretary	770 364-5325
Rich Baker, Treasurer	706 635-6893
Rebekah Montgomery, Member at Large	706 291-9265

**Blackberry Mountain Association
Design Committee**

Barbara Dunson	706 635-6157
Jennifer Fontenot	706 273-0207
Dave Teffeteller	706 635-2147

Important Phone Numbers

Law Enforcement/Medical Emergency	911
Law Enforcement Non-Emergency	706 635-891
Amicalola EMC Power Outage	706 276-0359
Ellijay Telephone Co.	706 276-2271
Animal Control	706 635-8911



INTRODUCTION

The Cherokee Indian Nation first inhabited the banks of the Cartecay River, nourished physically and spiritually by its rushing waters. After the turn of the 20th Century, Charles E. Stegall, Jr. located his grist and sawmill just east and approximately 40 feet behind the Blackberry Mountain office. About 40 years, later his widow, Mabel, sold the property to the Pickett family of Jasper, Georgia.

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 almost forty years later by the current property owners of the Blackberry Mountain Association.

It remains today for all of the Association's members to preserve and protect this beautiful mountain landscape entrusted to their care.

**Heaven is under
our feet as well as
over our heads...**

H.D. Thoreau



BLACKBERRY MOUNTAIN ENVIRONMENTAL ETHIC

The beautiful Cartecay River and its 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 be followed.

A natural, riparian buffer of undisturbed native vegetation is the best protection from pollutants spilling into any body of water after rain. Flowering shrubs, ferns, mosses and ground-covers 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 and prevents erosion and controls sedimentation. The Cartecay River and its tributaries are declared trout streams by Georgia State law and require a 50 foot riparian buffer area.

Property owners should 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 and 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 regarding 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. Membership 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 Blackberry Mountain Association will enforce these rules under the direction of its 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.

Trees/Shrubs

No tree or shrub having a trunk diameter of 4" or greater at ground level may be removed. Limbing-up and view trimming of trees and shrubs are not allowed. All exceptions must be approved by the Design Committee.



Signs

Only signs approved by the Blackberry Mountain Design Committee are allowed for public display. Construction job sites must comply with Association's Covenants. Signs promoting sale or rent are strictly forbidden.

Limiting Access to Blackberry Mountain

All members are responsible for limiting vehicle access into Blackberry Mountain to only authorized residents, guests or service providers. The Mulkey Road entrance is restricted to residential vehicles only. All other vehicles should use the service gate at Timber Falls Trail.

Home Rentals

No short-term rentals are allowed.

Garbage and Trash Disposal

All garbage must be enclosed in standard garbage containers at each residence and not unsightly to other neighbors. It is the responsibility of each property owner to take garbage to the Gilmer County Convenience Center or obtain the service of a private contractor. No garbage/trash should be left outdoors.



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.

Vehicles

Motorcycles, motorbikes, UTVs, ATVs, 4-wheelers, golf carts, electric-assisted bicycles and scooters, RVs, and all unlicensed and street-illegal vehicles are prohibited.

Parking of boat and trailers is permitted in closures approved in writing by the Design Committee.

Only licensed drivers are allowed to operate vehicles on Blackberry roads.

Use of Firearms

Firearm use is prohibited within Blackberry Mountain.

Protection of Wildlife

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

Fishing

Each person wishing to fish, whether a resident or a guest of a resident, will be required to apply for a permit and have the permit with them when fishing. There will be no charge for these permits, but all Georgia fishing regulations including license requirements must be obeyed.

Firewise

Blackberry Mountain ascribes to the principles of the Firewise USA Community Program. Information regarding this program is available at the Association office and website.

Burning

No outside burning, fire pits, campfires or trash barrels are allowed.

Fireworks

The use of fireworks is prohibited at all times.

Picnic/Common Areas

The common areas, ponds and community picnic areas are available for all members in good standing to use; however, to avoid any conflicts, please call the office to reserve the area for your event. Remember that all guests must be accompanied by an association member when using any of the common areas. Please remove all trash when you leave.

Parking

Parking is available in the office parking area when using the river picnic area; the 'turn-around' (just past the bridge) is for loading/unloading and turning around - not parking. All vehicles must display a Blackberry windshield sticker or guest pass.

Antennas

Satellite antennas are restricted to no larger than 18" in diameter. All antennas must be attached to the residence or installed in such a manner as not to be unsightly to neighbors and not visible above tree tops.



Cooperation with Blackberry Mountain Security and Management

It is each individual's responsibility to cooperate with Blackberry employees as they carry out their duties. Observe all speed limit signs.

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, renters, workers and service providers under these rules.

Failure to Comply with Blackberry Mountain Rules

Members may be fined after a written request to comply has been issued.

- First Offense \$50
- Second Offense \$100
- Third Offense \$200

Fines may be increased for non-compliance and repeated offenses.





BLACKBERRY MOUNTAIN ASSOCIATION DESIGN COMMITTEE

Purpose & Authority

Blackberry Mountain is an architecturally controlled community 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. To these ends, the Association's covenants established the Design Committee, a standing committee 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 covenants 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 service providers do so as well. When a property is leased, the renters and their 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 equipment, etc. may not be placed under decks or anywhere viewed from streets and/or neighboring property. It is possible outside storage structures or the placement of lattice work may provide a solution, but these will require individual approval from the Design Committee.
- 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 in Blackberry. The Blackberry standard is for property owners 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. There are specific design requirements for new construction.



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 or from the Association's website. 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

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 is allowed on Sunday and holidays. The Blackberry manager must be notified 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 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 will consider 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. No cutting of trees or shrubs is in the Association's common areas allowed by property owners.

Property owners should 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 trash at all times. Building material remnants must be trucked off the site biweekly 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

No outside burning, fire pits, campfires or trash barrels are allowed.

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 Association's curb valve. If property owners or their agents break a water line, regardless of which side of the curb valve, 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 penalties 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 which shall be enforced as other assessments.



Notice of Violations

Upon any violation of these rules or Gilmer County building department 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 forty-eight (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 assessed against the bond for each day after expiration of the twenty-four (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 from Gilmer County building department and the Design Committee have 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.