

## STATEMENT OF GUIDING PRINCIPLES FOR BIRCHWOOD FARMS GOLF & COUNTRY CLUB

Birchwood Farms Golf & Country Club was created to be the focal point of a private residential community known as Birchwood Farms Estates. Our objective is to be a private Club of exceptional quality and character – one that is noted for its natural beauty and the graciousness of its Members and staff – a Club that will be a credit to its Members and the many people who made possible its creation and development.

Birchwood will continue to encourage a membership consisting of area Members, as well as a membership from the diverse sections of the State of Michigan and other regions of the United States.

Birchwood shall foster harmony and friendship among all Members. The Club will encourage and support social and recreational relationships and endeavor to serve fairly and thoughtfully, the varied interests of its membership.

Birchwood shall be well managed and shall be operated on a sound financial basis. The structure of the Club governance shall be fairly representative of the Members' interests and designed to provide a balanced decision-making process as a part of which there shall be full and regular opportunities for input by Members through the Committees, Officers and Directors of the Club.

Birchwood shall recognize and protect the investments of its Members in Club facilities, homes, road and water systems, and improvements within its Community.

### REMINDER

Birchwood Farms Golf & Country Club asks its Members, their families and guests to practice common and courteous cell phone etiquette when at the Clubhouse and outdoor facilities. Cell phones should be placed on vibrate only, should not be used in any of the eating areas (Grill and Dining Room, deck and Three Way House); and should be used for emergency purposes only on the golf course and near the tennis courts. (December 2006)

It shall ensure that existing restrictions, as stipulated in the Covenants, By-Laws, and Rules and Regulations, are enforced in a manner compatible with the best interests of all Members including the ability of the Board of Trustees to levy fines and penalties for any declared violations as set forth in the Covenants, By-Laws, and Rules and Regulations.

Birchwood will serve and support the fine traditions of the game of golf and will give particular attention to assuring that our golf courses are of preeminent quality. The facilities for tennis, swimming and other recreational sports will likewise be maintained in first quality condition.

The Club shall restrict and limit guest use insofar as necessary to ensure that the privileges of the Members and their full enjoyment of Birchwood are provided for first. Appropriate levels of accompanied guest use of Birchwood are encouraged because such use is in the best interest of the Club and its Members. All guests shall be Member-sponsored and shall strictly adhere to the rules that govern the guest use of Birchwood's facilities.

Birchwood Farms Golf & Country Club will act ethically and responsibly in its treatment of employees, in its relationships with nearby communities and all agencies of government, in its transactions with other Clubs, suppliers and businesses, and in its care of the environment within its boundaries.

### REMINDER

Please respect the private property of Birchwood Members by remaining on the Club's common property at all times. (December 2006)

## HOUSE RULES

**Alcohol:** The Club will comply with all federal, state and local laws pertaining to the sale and service of alcoholic beverages. Club employees may, at their discretion, refuse to serve alcoholic beverages to any person who appears to be intoxicated or on the verge of becoming intoxicated. Alcoholic beverages are not to be served to minors (i.e., persons under the age of 21).

**Animals:** Domestic animals, except seeing-eye dogs accompanying Members and guests, are not permitted in the Clubhouse or the surrounding Clubhouse area.

**Attire:** All Members of Birchwood Farms Golf and Country Club and their Guests are asked to comply with the dress code listed below to enhance their overall enjoyment of the Club. Please keep in mind that Birchwood is a family-friendly environment, so all clothing should be in good taste and shirts should be tucked in. Please adhere to the following dress codes as noncompliance places staff in an awkward position of confronting members or their guests.

The following items are considered inappropriate in all Club areas:

Tank or halter shirts, t-shirts, thong-style swim suits, short shorts, micro-mini skirts, cut-off shorts or any other clothing management feels inappropriate.

### **Clubhouse:**

Blue denim, bathing and fitness attire with proper cover ups or sweat suits are allowed south of the elevator (toward the casual bar and golf shop) including the casual bar. **The Casual Bar is the only dining area where blue denim is allowed.** The Casual Bar is accessible from the south end of the Clubhouse, so please refrain from using the main entrance when wearing blue denim. Blue denim must be free from **holes, frayed edges, or stains.**

Hats or other head covers are not to be worn by males within the covered areas of the Club, aside from the Three-Way area and the Pro Shop. Exceptions to this rule include golf events, and costume or themed parties. The dress code for some special events and holidays may differ from the dress code provided above. Please refer to the event invitation or flyer for the appropriate dress code. (Revised 2-08)

### **Poolside:**

Casual clothing, tennis attire, bathing suits, and cover-ups are permitted. (Revised 2-08)

Gentlemen using the Dining Room on Fridays and Saturdays after 6:00 p.m. are encouraged to wear a jacket.

**Billings:** All questions concerning a Member's dues and charges shall be addressed to the Controller or General Manager.

**Credit Cards:** Visa/MasterCard may be used by guests or renters who present a registered guest or renter's card, or are in the company of a sponsoring Member.

**Charges:** All services provided a Member will be charged to his or her Club account. Members are requested to sign checks with a legible signature and account number. Unless otherwise indicated, an 18% gratuity will be added to all food and beverage charges.

**Children:** Members are responsible for the conduct of their children and their children's guests. Except for special events, children under 12 years of age are not permitted in the Clubhouse unless accompanied by an adult.

**Complaints:** All complaints against any Member, or the General Manager, shall be made, in writing, to the Board of Trustees.

### **Cell phone use:**

**Golf Course-** Emergency medical use only. Anyone anticipating possible use while on the golf course is required to inform the Golf Shop that their phone will be set to vibrate mode. The Golf Shop will insist that the member using the phone notify each member in the foursome regarding use of his/her phone. Members are encouraged to have any incoming phone calls placed to the Golf Shop and relayed to the course.

**Clubhouse-** Use of cell phones is strictly prohibited in all dining areas. Cell phones may be used in all other common areas of the Clubhouse.

Cell phones are allowed at the pool, Three Way House and around the tennis courts. Use on the tennis courts is allowed for medical reasons only. (Revised 2-08)

Thank you for your cooperation.

## HOUSE RULES

Directory/Insignia: No Member or employee of the Club shall use Club stationery, roster, the name or insignia of the Club for the purpose of sending circulars or communications to Members or others without first obtaining permission from the Board of Trustees. No Member or employee of the Club, shall furnish the mailing list of the Club for any purpose whatsoever, without first obtaining permission from the Board of Trustees.

Employees: The giving of directions to and the reprimanding of employees are the responsibility of the General Manager. Members are requested to report any incivility by an employee to the General Manager or the Manager's representative. Members wishing to engage the service of the Club's employees off premises should make such arrangements through the office of the General Manager. Members shall not request employees to leave Club premises to perform personal Member services.

Food & Beverages: No food or beverages shall be consumed in the Clubhouse unless purchased from the Club. The General Manager must authorize any deviation from this rule.

Gambling: Illegal gambling is prohibited on Club property.

Golf Shoes: Only spikeless shoes or shoes with soft spikes, are allowed in the Clubhouse, pro shop, or on the decks.

Hours: The hours during which the Clubhouse and grounds are open and the hours of operation of food and beverage service shall be set from time to time. Such hours of operation shall be posted at the Club office.

Smoking: The Clubhouse is a smoke-free area. All types of smoking are prohibited.

Cancellation Rule: Cancellations for special events must be received at least 24 hours prior to the activity or the reserving Member will be charged 50% of the event charge. Failure to cancel or not attend will result in a full charge (100%) for the event.

Liability: The Club will not be responsible for any loss or damage to personal property of Members or their guests.

## SPEED LIMIT

A major concern is the preservation of peace and safety for residents and visitors in our Birchwood Community. It is more apparent that as we continue to progress, the frequency of speeding violations is also augmented, resulting in a number of "close calls". Walkers, bicyclers, joggers and others should be able to enjoy the use of the roads without apprehension of personal danger. As traffic levels increase, so does the risk.

Recognizing the need to assist the Security Department in controlling this problem, the Board of Trustees, with full support of legal counsel, has authorized the increase of speeding violation fines. Security Officers have been instructed to take the following actions upon violation of the posted speed limit.

First Offense: Property Owners, contractors and commercial vehicles: Courteously request vehicle to stop. Issue a ticket imposing a \$25 fine with a due date. Unauthorized vehicles will be escorted to the nearest exit.

Second Offense: Property Owners, contractors and commercial vehicles: Courteously request vehicle to stop. Issue a ticket imposing a \$50 fine and notify the Board of Trustees.

Third Offense: Property Owners: Courteously request vehicle to stop. Issue a ticket imposing a \$75 fine, plus written notification to the Board of Trustees, in addition to suspension of Club privileges for 30 days.

Third Offense: Contractors and commercial vehicles: Courteously request vehicle to stop. Issue a ticket imposing a \$75 fine with due date. Owner of vehicle will submit a written pledge to henceforth adhere to the speed limit. The driver will be prohibited from driving in Birchwood for 30 days.

These measures are implemented for the common good. We urge your compliance and support.

**Birchwood Farms Property Owners Association  
Board of Trustees**

Cris Cavitt.....PGA Golf Professional

## GOLF COMMITTEE

Roy Tipton.....Chairman  
Kathy Boekman.....Vice Chairman  
Ron Granader.....BOT Liaison  
Larry Lutjens.....Pro Shop Liaison  
Chuck Mack.....Handicaps  
Kathy Thompson.....Communications  
Bill Waldron.....Maintenance & Practice Facilities  
Ralph Eagle.....Men's Day  
Fran Shepard.....Ladies' Day  
Barb Mans.....Ladies' 18 Hole Chair  
Ronnie Higgs.....Ladies' 9 Hole Chair

Birchwood is a private golf community. Open play is not allowed at any time, unless accompanied by a Member.

Golf is a sport in which etiquette is important and conforming to rules and regulations is mandatory if Members and guests are to derive maximum enjoyment. The following rules, which have been prepared by the Golf Committee and adopted by the Board of Trustees, shall be enforced by the General Manager, the Golf Professional, the Golf Committee, and the Board of Trustees.

### A. REGISTRATION

All Members, renters and guests must be registered prior to teeing off, including walkers.

### B. STARTING TIME RESERVATIONS

1. Golf course starting time reservations are required daily. Reservations are made through the Pro Shop staff.
  - a) Property Owners may reserve a tee time not more than one week in advance. Tee times for Monday golf may be made at the earliest on the preceding Monday morning (i.e., one week earlier). Saturday and Sunday tee times may be made at the earliest on the preceding Saturday (i.e., one week earlier and in the case of Sunday, one week and one day earlier).
  - b) Rental guests may reserve a tee time not more than two days in advance.
  - c) Members or renters cannot make non-consecutive tee times in the same day.
2. The Golf Professional, or his staff, will require twosomes to combine and play as foursomes in periods of heavy play.

3. In order to better utilize our golf course and offer our Members the most efficient tee time schedule possible, please note that tee times not cancelled in a timely manner are subject to a "no show" charge. Failure to cancel or appear for a tee time will result in a cart fee charge of \$19 each or \$76 per foursome.

### C. HANDICAPS

1. The handicap system is formulated by the United States Golf Association (USGA) and administered by the Golf Association of Michigan (GAM).
2. Each Member shall record his or her score every time he or she completes at least 13 holes of an 18-hole round OR two consecutive 9-hole rounds. Players who fail to post scores will not be eligible for tournament prizes.
3. Scores from other courses must be entered in your home file.
4. In order to obtain USGA Handicap Index from Birchwood Farms Golf & Country Club, a golfer must post at least five 18-hole scores from Birchwood, or present 10 scores from another recognized golf Club.

### D. TOURNAMENTS

1. All participants must have a current established handicap index as defined by the United States Golf Association rules to share the winnings.
2. Birchwood Members must have a current established handicap index on record at Birchwood Farms Golf & Country Club.
3. Only Birchwood Members may register for tournaments.
4. Scores from the following competitions must be posted in the computer with a "T" (Tournament).
  - Member-Member Tournament
  - Green Coat Invitational
  - Silver Birch Invitational
  - Club Championship Tournament
  - Couples Club Championship

### E. GUEST PRIVILEGES

1. A Member must accompany each foursome.

## GOLF RULES & REGULATIONS

2. Renters must have guest cards for proper identification and accompany each foursome of their guests.

3. The only people who may golf without paying green fees are a Property Owner, his or her spouse and their children under the age of 21.

4. Reservations for multiple group tee times must be approved by the Golf Professional and Golf Committee Chairman.

5. Accompanied "non-house" guests living within a 50-mile radius of Birchwood are limited to playing a total of three times per season exclusive of guest tournaments.

6. Reciprocal club play is not permitted between Memorial Day and Labor Day. Reciprocal club play is limited to those Private Clubs approved by the Golf Committee or Golf Professional.

7. The Golf Professional may allow another Golf Professional a one-time courtesy round per year.

8. Staff members may utilize the course based on the personnel policy approved by the Board of Trustees.

### F. GOLF CARTS

1. Only carts owned or leased by the Club will be allowed on the course.

2. Golf carts are not allowed on private property or association roadways, or in the Club parking lot.

3. Golf cart directional signs, roped areas and blocked areas must be observed. Carts are to be parked on the paths where available.

4. Carts are not to be driven within 30 feet of all greens or tees (where cart paths are not available).

5. Drivers of carts are responsible for any damage caused to the cart by them.

6. The Club's General Manager, Golf Course Superintendent or the Golf Professional shall determine whether or not the conditions of the course, due to rain, will permit the use of carts.

7. No more than two players and two golf bags per cart are allowed.

8. Only adults (16 years or older), with a valid driver's license, may operate a golf cart.

9. All golf carts must be off the course before dark.

### G. GENERAL RULES

1. Weather conditions permitting, the golf course will be open from May 1st through October 31st of each year.

2. On Saturday, Sunday and holidays, junior golfers (under 16) will not be permitted on the course unless accompanied by an adult.

3. Junior golfers (under 12) must be accompanied by an adult at all times.

4. Proper dress is required at all times: in the Clubhouse, on the golf course, driving range, practice area, putting green, etc.

a) Men and boys must wear shirts with collars, turtlenecks or mock turtlenecks. Mock turtlenecks must be a minimum of 1 ¾" in length, measured from neck seam to top of collar. All shirts must be tucked in.

b) No cut-offs, short shorts, tank tops, tee shirts or blue jeans allowed.

c) All cuffs of shorts must not be higher than mid-thigh length.

5. It is the responsibility of every golfer to keep the course in good condition.

6. Groups stopping for an excessive amount of time at the turn relinquish their priority on the course and must reapply to the starter, or the Pro Shop, before resuming play. Such players will be fitted into play at the first available time.

7. During prime playing periods, all golfers will be required to use a golf cart unless an exception is granted by the Golf Professional.

8. All beginning golfers are requested to play late afternoon on weekends and holidays.

9. Each player must have his or her own set of clubs.

10. Players will be expected to complete 18 holes in 4 hours. Woods rotation 4 ½ hours.

11. Birchwood has an in-house handicap computer system. Each 9 or 18 hole round played must be entered into the system.

# GOLF RULES & REGULATIONS

12. No more than 4 players are allowed in each group, unless approved by the Golf Professional.

13. Return to the Clubhouse when lightning warning siren is sounded.

14. A designated practice area is available for the use of all players. No practice is permitted on the golf course at any time.

15. As a common courtesy to other Members, when small children are on the practice and driving ranges, please give way to adult Members when space is not available to practice on the range.

16. Unless otherwise approved by the Board of Trustees, golf course outings are not permitted in June, July, August or holiday weekends. They are restricted to Mondays or Tuesdays in May, September and October. All group outings must be pre-approved by the Board of Trustees each year.

17. The Golf Professional and his staff have full authority to enforce these golf rules. Further, the Golf Professional and General Manager may take any appropriate action deemed necessary for activities or conduct considered detrimental to the golf course or general welfare of the golf program.

18. No domestic animals are allowed on the golf course during the hours of play.

## H. 2011 WEEKLY GOLF SCHEDULE

1. Monday .....Open Play
2. Tuesday.....Open Play
3. Wednesday ..... Ladies' Day Golf
4. Thursday.....Men's Day Golf
5. Friday thru Sunday .....Open Play

## I. GOLF & CART FEES

1. Cart Fees:	<u>9 holes</u>	<u>18 holes</u>
	\$11.50	\$19.00
2. Guest Fees:		
	<u>9 holes</u>	<u>18 holes</u>
POA Imm. Fam.*	\$20.00	\$40.00
Guest / Renter	\$45.00	\$70.00
Reciprocity**	\$50.00	\$75.00

Shoulder Season (September 15 thru May 15) and Twi-Lite (after 3:30 p.m. year round) Rates

	<u>9 holes</u>	<u>18 holes</u>
Immediate Family	\$10.00	\$20.00
Guest / Renter	\$20.00	\$40.00

\* Immediate family will include: father, mother, son, daughter, grandchildren, siblings and their spouses.

\*\* Requires the approval of the General Manager

## J. SOFT SPIKES

1. Soft spikes are required. Birchwood, by requiring soft cleats, does not hereby endorse one set over another or warrant the safety thereof.

## K. ENTRY RULES FOR GREEN COAT MEN'S MEMBER/GUEST INVITATIONAL

1. One point is issued to each Member each year he applies and participates, or doesn't participate, if no fault of his own.

2. Members with the most points are given priority each year.

3. Members must have a current established handicap index on record at Birchwood Farms Golf and Country Club.

4. When the field is filled, remaining entrants will be placed in groupings of the same points and will be taken by lottery within their group.

5. Entry forms must be returned or delivered to the P.O.A. Executive Secretary.

6. You will receive written confirmation of your acceptance or your priority listing on an alternate sheet.

## L. ENTRY RULES FOR SILVER BIRCH LADIES MEMBER/GUEST INVITATIONAL

1. Members must have a current established handicap index on record at Birchwood Farms Golf and Country Club.

2. Entry forms must be returned or delivered to the P.O.A. Office c/o Tournament Committee.

3. You will receive written confirmation of your acceptance or your listing on an alternate sheet.

## 2011 GOLF SCHEDULE

May 1	Course Opens (Weather Permitting)	July 12	Ladies' Interclub @ Bay View (18 Holes)
May 11	Ladies' Day Golf Begins	July 13-16	Green Coat – Men's Member/Guest Invitational (No Ladies' Day Golf)
May 11	9 Holes Golf Clinic & Meeting	July 22	Couples Golf Mixer
May 27	Couples Golf Mixer	July 27	Ladies' Day/Silver Birch Shoot Out
May 27	Intro to 2011 Golf Forum	July 27-29	Silver Birch Ladies' Member/Guest Invitational (No Men's Day Golf)
May 30	Memorial Day Scramble	Aug 2	Ladies' Day Tri-Club @ Hidden River
May 31	GAM Rules Seminar	Aug 6-7	Men's & Ladies' Club Championship
June 1	Ladies' Day Golf & Luncheon	Aug 8	Detroit Athletic Club @ Birchwood
June 2	Men's Day Golf Begins	Aug 11	Ladies' Interclub Boyne @ Birchwood
June 6-8	Ladies' Golf Academy	Aug 12	Couples Golf Mixer
June 10	Men's Interclub @ Bay Harbor	Aug 19	Romancing the Stone @ Bay View
June 13	NMPGA Pro-Am	Aug 21	Couples Club Championship
June 14	Men's Interclub @ Boyne Highlands	Aug 31	Ladies' Day Golf & Luncheon
June 16	First Tee Charity Event	Sept 6	Kick-Off Classic
June 18	Demo Day	Sept 16	Closing Couples Golf Mixer
June 22	Ladies' Day Golf Take a Swing at Cancer	Oct 31	Golf Course Closes (Weather Permitting)
June 24	9 Holes Golf Clinic		
June 24	Taylor Made Fitting / Demo Day		
June 24	Couples Golf Mixer		
June 25	Demo Day		
June 25-26	Men's & Ladies' Member / Member Championship		
June 30	Independence Day Scramble		
July 1	Open Play		
July 2	Open Play		
July 3	Open Play		
July 4	Open Play		

# TENNIS COURT RULES AND REGULATIONS

The rules of tennis and the code as put forth by the United States Tennis Association, together with the following local Rules and Regulations, shall govern court usage and play. Changes to these Rules and Regulations as may be necessitated in the discretion of the Board of Trustees will be posted in the Tennis Pro Shop and have immediate effect.

Denny Green.....USPTA Tennis Professional

## 2011 TENNIS COMMITTEE

Henry Noehles.....Chairman  
Bob Gault.....BOT Liaison  
Ann Boyce.....Special Events  
Laura Chamberlin.....Committee Member  
Kelley Newton.....Men's Day  
Sandra Para.....Special Events  
Nancy Schluender.....Ladies' Day & Mixed Doubles  
Chris Searles.....Mixed Doubles  
Gayle Skau.....Ladies' Day  
Kenyon Stebbins.....Swim & Men's Day  
John Taylor.....Committee Member

1. All players, including Property Owners, renters, and guests must register in the Tennis Pro Shop prior to play unless they are participating in an organized activity, Tournament, Men's Day, Ladies Day, or similar function where their participation is otherwise recorded by the tennis staff.

2. Property Owners, Social Members, immediate family, and renters are entitled to use the tennis courts. (Immediate family of Social Member as defined by the By-Laws, Article V, Section 5(c)). Property Owners, Social Members and renters shall be entitled to bring guests to participate in tennis activities as determined by the Tennis Professional and the Tennis Committee.

3. Reservations for court use may be made up to one week in advance.

4. Tennis guest fees shall be determined by the Board of Trustees. Event fees shall be determined by the Tennis Professional. A listing of fees shall be posted in the Tennis Pro Shop. Tennis guest fees apply to renters and guests. Members that participate in organized league are required to pay applicable fees. Fees must be signed for at the time of registration.

5. Lessons are available for all ages and levels. Please call the Tennis Pro Shop for individual lessons or clinics.

6. Court Hours  
Hard Courts 7:30 a.m. - 9:00 p.m.  
Clay Courts 8:00 a.m. - 7:30 p.m.

7. Proper tennis attire is required at all times. No cut-offs, denim jeans or tank tops are allowed. Dark soled shoes are not to be worn as they may damage the courts.

8. Tennis courts are not to be used for any purpose other than playing tennis or engaging in tennis instruction.

9. Guest Privileges - All guests, except renters and house guests, are limited to playing a total of three times per season and must be accompanied by a Member.

10. Proper care must be taken when using the clay courts. After play, please sweep the lines as a courtesy to subsequent players. Please hang any court equipment on the fence after use. Please report any damage to the court surface or tapes to the staff.

11. Do not tamper with the hydro-grid irrigation system (canisters, valve boxes or timing devises).

12. Children under the age of 8 years must be accompanied by an adult unless engaged in supervised activity or lessons.

13. No food on courts unless during specific function and monitored by staff. Please use adjacent lawn areas.

# SWIMMING POOL & FITNESS CENTER RULES AND REGULATIONS

## SWIMMING POOL RULES AND REGULATIONS

1. All persons must register and sign for applicable guest fees in the Tennis Pro Shop before entering the pool area.
2. Property Owners, immediate family, Social Members and renters are entitled to use the pool (Immediate family of Social Members as defined by the By-Laws, Article V, Section 5(c)).
3. Pool may only be used according to posted regulations.
4. Children under age 10 must be accompanied by an adult even when a lifeguard is on duty.
5. Shower with soap before entering the pool.
6. No pets, radios, running, pushing or rough play is allowed in the pool area.
7. Beverages are allowed in plastic or paper cups. No glasses or cans are allowed in the deck area.
8. Food is allowed only in designated areas outside the pool deck. This rule does not apply to special Club-sponsored events, which may utilize the pool deck for dining or entertainment, during which events the pool is to be closed.
9. No illegal drugs, smoking, profanity or improper behavior is allowed.
10. Children wearing diapers or incontinent persons must wear plastic pants when entering the water.
11. Proper bathing attire is required at all times.
12. Persons with an infection or communicable disease, open sores or rashes are not allowed to enter the water.
13. Instructions by the lifeguard must be obeyed at all times.
14. Bather Load Limit – a maximum of 185 people will be allowed inside pool enclosure at any given time.
15. All injuries, however slight, must be reported to the lifeguard on duty.

## FITNESS CENTER RULES AND REGULATIONS

1. All persons must register and sign for applicable guest fees in the Fitness Center before using the facility.
2. Property Owners, immediate family, Social Members and renters are entitled to use the Fitness Center (Immediate family of Social Members as defined by the By-Laws, Article V, Section 5(c)).
3. Guests are limited to four visits per year and must be accompanied by a Member.
4. Children under 15 years of age must be accompanied by a parent.
5. The daily hours of operation are 6:00 a.m. to 10:00 p.m.
6. The Fitness Center is not staffed. However Members are able to use the facility in conjunction with personal trainers. Personal training sessions must be reserved with the Club. A reserved personal training session is only for the facility, individual equipment cannot be reserved. A master calendar and login book will be maintained and will include a contract and signed waiver. Personal trainers will be responsible to invoice all personal training charges through Member accounts. Birchwood will retain 20% of all personal training sessions as a user fee for the facility. Personal Trainers not abiding by these rules will be denied access to the facility.
7. Cardio equipment is limited to 30 minutes per session if others are waiting. Equipment use is on a first come basis, equipment cannot be reserved. Tennis shoes must be worn at all times (no street shoes allowed). Misuse of equipment will not be tolerated. Full tee shirts are allowed and must be worn at all times.
8. Birchwood will provide two life link devices that can be worn by individuals when using the facility alone. The devices are linked directly to 9-1-1 and will initiate a call to Birchwood's First Responders. These devices are available in the Accounting Office.
9. Towels will be supplied. All cardio equipment will have personal TV's that are to be accessed with headphones only. Headphones and batteries can be purchased in the Accounting Office if needed. Birchwood will also supply antiseptic wipes to be used on equipment after each use.
10. The Fitness Center is monitored by closed-circuit T.V.

# BUILDINGS AND USE RESTRICTIONS RULES AND REGULATIONS

In accordance with the Covenants and Restrictions of the Declarations of Restrictions of the Birchwood Farms Golf & Country Club, an Architectural Control Committee (A.C.C.), appointed by the Property Owners Association Board of Trustees, has been formed to promote the orderly and aesthetically acceptable development of home sites and residences and the maintenance of existing home sites and residences. Additionally, the A.C.C. is charged with securing for each Property Owner, the full benefit and enjoyment of membership with no greater restriction upon the free and undisturbed use of the home site than is necessary.

The A.C.C will evaluate site and detailed building plans for compliance with the Declarations and the Birchwood Farms Golf & Country Club Rules and Regulations. It is the home owner, architect and/or home designer, and builder's responsibility to make sure the building conforms to all federal, state and local building ordinances, code and structural integrity. (Revised 9-07)

A quorum of the full Architectural Control Committee (A.C.C.) shall be required to approve or reject all residential building plans. A quorum is defined as the majority of the full A.C.C. membership or a minimum of three members, whichever is greater.

Any damage, repairs, building or landscaping expenses (or penalties) resulting from a violation of these Rules and Regulations will be deducted from the Security/Escrow Fee to be established under these Rules and Regulations: any expenses exceeding the Security/Escrow Fee will be the personal responsibility of the homeowner, and may be assessed to the homeowner as part of the regular monthly assessment. Please note that Section 5 of Article V of the By-Laws ("suspension of Members") may be invoked for infractions of these Rules and Regulations.

The POA Board of Trustees has delegated to the A.C.C. the responsibility to enforce the Rules and Regulations. The Board of Trustees may amend the Rules and Regulations at any time. (See "Appendix B" for abbreviated definitions.)

These Rules and Regulations are minimum requirements of the P.O.A. Other legal associations within Birchwood Farms Golf & Country Club may have more stringent rules and regulations. (Revised 9-07)

## ARTICLE I

### A. *General Provisions*

1. New single and multiple dwelling residences and those undergoing exterior remodeling must meet high standards of construction and have an exterior appearance consistent with the existing architecture and design in Birchwood as documented in construction and appearance standards adopted by the A.C.C.
2. If a plan for a new house, remodeling or landscaping is presented to the A.C.C., and the A.C.C., by resolution, determines that the plan will adversely affect property values or the character of Birchwood, the A.C.C. may disapprove such plan. (Revised 1-25-10)
3. The A.C.C. will upon request, provide the Property Owner/builder at the preliminary stages of design, examples of desirable architecture and exterior appearance. The A.C.C. may disapprove any new or modified site plan layout if a violation of the Rules and Regulations has occurred and is not corrected, in the A.C.C.'s determination.
4. Upon submittal of new home or exterior alteration plans for approval the Property Owner must also submit the applicable security escrow and water tap-in fees. Fee amounts are listed in the Homeowners and Contractor Information Packets. (Revised 3-22-04; 1-25-10)

SEE CONSTRUCTION PLAN SIGN-OFF FORM

### B. *Owners, contractors, subcontractors and their tradesmen must comply with the following rules:*

1. No structure shall be constructed or modified, nor land graded, landscaped and/or live trees cut without first receiving written approval from the A.C.C.
2. Prior to start of construction, all government permits, notices and the A.C.C. Compliance Certificate must be posted on a freestanding permit board on the site.
3. The exterior of new construction or building modifications must be completed within twelve (12) months from the start of construction, and

## BUILDINGS AND USE RESTRICTIONS RULES AND REGULATIONS

certified for occupancy within an additional six (6) months. All exterior work, including painting and staining, must be completed prior to requesting A.C.C. occupancy approval. Incomplete buildings within these time frames will be subject to Property Owner fines and/or loss of use of Birchwood amenities.

4. Work may not start before 7:00 a.m. and must cease by 6:00 p.m., Monday through Saturday. No work activity is permitted on Sundays, New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving or Christmas Day.

5. Excessive noise such as unnecessary yelling and loud radios is prohibited.

6. County Frost Laws will be enforced on Birchwood property.

7. Vehicles must be parked with all wheels on the blacktop roadway unless otherwise directed by Security or the A.C.C. Caution signs must be posted on the roadway where sharp curves or intersections prevent clear traffic visibility. Posted speed limits must be observed; failure to comply with these requirements will result in a \$25 fine per occurrence.

8. Material deliveries should be scheduled on a "just in time" arrangement. Large quantities of material should not be allowed to build up on the site for extended periods.

9. A contractor's trailer or temporary shed, not exceeding ten (10) by fifteen (15) feet, may be kept on the lot to protect and secure tools, etc. until the structure is enclosed.

10. An on-site temporary toilet facility must be available until an inside working toilet is available. (Revised 9-07)

11. Absolutely no vehicles, sheds, tools or materials may be stored in the "green belt" area.

12. Scrap materials and rubbish must be collected each day and placed in an on-site dumpster or disposed of off-site. Excessive dirt, clay, sand, etc., carried by contractor vehicles onto Birchwood roadways, must be removed daily.

13. Owners are responsible for actions of their contractors, subcontractors and suppliers for any breach of the Rules and Regulations. Corrective

action may be required at the owner's/contractor's expense.

### **C. Construction Approval Process**

1. Prior to submitting site plans and construction drawings for approval, the owner/builder must complete a Construction Plan Sign-Off Form.

2. The application package must contain the above form, three (3) sets of building plans, topographical site layouts, and conceptual and/or final landscape plans.

3. The A.C.C. reserves the right to take up to fifteen (15) business days to review and act upon a submittal under these Rules and Regulations. (Revised 1-25-10)

4. The building site layout must show the topography elevation lines scaled to allow proper evaluation of the home site and building envelope. The survey must be certified and dated.

5. House plans must provide complete dimensional information and notes that adequately describe the planned structure and site plan.

6. The site plan must show septic fields, site drainage, parking and access driveways. Driveways and parking areas must be paved with asphalt cement or brick pavers. (Revised 9-07)

7. During construction, inspections by the A.C.C. will be conducted to assure compliance with the approved plans and Rules and Regulations. Deviations or revisions from the approved plans must be submitted in writing and have prior A.C.C. approval. Violations of this rule will cause construction to be halted. Property Owner fines will be imposed for refusal to halt construction.

8. A Notice of Construction will be sent by the A.C.C. to Property Owners located within 300 feet in all directions of the lots lines of the lot where construction is proposed. Construction plans will be available for review in the Security Office for a period of seven (7) days after the notice has been sent. Any comments for consideration must be submitted in writing to the A.C.C. within three (3) days following the seven (7) day review period. (Revised 1-25-10)

## BUILDINGS AND USE RESTRICTIONS RULES AND REGULATIONS

### **D. Building Site**

1. A building site is defined as a parcel of land having a separate tax parcel number, a complete lot as originally platted, a site condominium unit, or a combination of platted lots, provided that any combination shall not contain less than twenty-two thousand six hundred (22,600) square feet. No building may be constructed except on a building site as herein defined. Combined lots must be approved by the West Traverse Township Board of Supervisors and the Birchwood Board of Trustees. Combined lots do not change the official plat. The lots will continue to be identified as separate entities. Membership dues and assessments will be levied accordingly.

2. Set back areas are forty (40) feet from front and rear lot lines and fifteen (15) feet from side lot lines. No buildings including decks, driveways, septic tanks or septic fields, shall encroach upon setback areas. Any request for variance to encroach upon the setback areas must be made in writing to the A.C.C. A variance must be approved by the A.C.C. and must be affirmed by the Board of Trustees in order to be effective. (Revised 9-07; 1-25-10)

3. Setback measurements shall be measured from the nearest point of the structure to the property line, including decks, driveways, or other appurtenances. (Revised 10-29-03)

4. The site for multiple dwelling unit residences must be located in accordance with the zoning plan as approved by the West Traverse Township Board of Supervisors for the Birchwood Farms Planned Unit Development.

5. No multiple dwelling unit residences shall be erected within forty (40) feet of property lot line and no closer than forty (40) feet to the boundaries of the golf course. Buildings must be located at least fifty (50) feet apart.

### **E. Site Development Before and After Construction**

1. All site development plans require approval by the A.C.C. This includes landscaping, TV (22" maximum) satellites, hot tubs, awnings, spas, decks, patios, sports apparatus, playground equipment and anything else that could affect the

aesthetics of the community. Outdoor pools and tennis courts are not permitted.

2. Basketball hoops, if approved, must be portable and stored out of sight when not in use. Special lighting for all recreational equipment is prohibited.

3. Hot tubs and spas, if approved, must be located inconspicuously and out of sight to adjacent Property Owners, golf course, common grounds and roads.

4. Playground equipment and sports apparatus, if approved, must be neutral in color and be appropriately landscaped to avoid their conspicuous presence from adjacent Property Owners, golf course, common grounds and roads.

5. A "green belt" reserve measuring forty (40) feet from the front lot line running between the side property lines must be staked out and all natural growth within the reserve protected during the construction period. Lot lines: forty (40) foot and fifteen (15) foot setbacks must be staked out and lined with string.

6. No living trees may be cut, removed or trimmed prior to an "on-site" inspection by the A.C.C. All trees selected for removal must be tagged with Birchwood red ribbon for removal and Birchwood blue ribbon for trimming. Topping of trees is not permitted. (Revised 10-29-03)

7. Excavation or grading work that could damage adjacent property due to erosion of the soil must be avoided. Natural drainage of surface water runoff must be maintained. If necessary, retaining walls and terracing must be provided to prevent damage.

8. Before any site development, a driveway apron must be constructed at the entrance to the site for use by construction vehicles. The apron must be fifteen (15) feet wide and extend back from the roadway for a distance of twenty-five (25) feet. The apron shall be constructed of compacted gravel and Afton stone to a depth of six (6) inches and rise one (1) inch above the roadway surface. (Revised 10-29-03)

9. The A.C.C. will inspect the roadway, road shoulder and drainage ditches to establish a baseline condition prior to construction start. Subsequent damage to these areas caused by

## BUILDINGS AND USE RESTRICTIONS RULES AND REGULATIONS

construction activity must be repaired by the owner/builder at his/her expense. The Construction Escrow will be withheld until such repair has been completed to the satisfaction of the A.C.C.

### **F. House Specifications**

1. Single family and multiple dwelling one-story residences must contain a minimum of nineteen hundred (1,900) square feet of living space. One and one-half (1 ½) and two (2) story single family and multiple dwelling residences must contain a minimum of twenty-two hundred (2,200) square feet of combined living space. Basements, wholly or partly below ground level walkouts, porches, decks and garages, are excluded from square foot calculations. (Revised 5-18-2009).
2. No multiple dwelling buildings may contain more than two (2) units.
3. A minimum two-car enclosed garage is required for each single family and multiple dwelling residences. Carports are prohibited.
4. Single family and multiple dwelling residences shall be restricted to two stories in height. Any part of the structure partially or completely below finished grade will not be considered in the above ground restriction. All structures shall not exceed thirty-five (35) feet in height measured from finished grade.
5. Building exteriors, including trim, must be natural wood or alternate materials approved by the A.C.C. Materials to be approved must be submitted to the A.C.C. prior to construction with their specifications, local site application and reason for the deviation. (Revised 9-07; 1-25-10)
6. Window frames, casings, sills and lintels must be manufactured from wood or alternate products. Weather resistant cladding over the wood is permitted. Alternate materials other than wood for garage doors, decks, deck railings, entrance doors and vents must be stated on the drawings and are subject to A.C.C. approval. Requests for the use of alternate materials other than wood for decks and deck railings, must be submitted in writing and include the name of the product, specifications, color and samples. (Revised 10-29-03; 1-25-10)

7. Natural or cultured stone or brick may be approved for chimney facings, trim and exposed foundation. Exposed foundations cannot exceed eighteen (18) inches from finished grade level.
8. Cedar shake, asphalt shingles or other materials approved by the A.C.C must be used for roof covering. (Revised 9-07)
9. The roof pitch must be at least 6/12 unless a variance is requested by the homeowner and approved by the A.C.C. Ceiling height, except for basements, must be a minimum of eight (8) feet.
10. Exterior color selections for new and existing homes for wood stains, paint and asphalt shingles, must be approved by the A.C.C. A collection of approved colors is available for review and selection. A minimum 6"x12" sample board pre-stained with the siding and trim colors must be submitted for approval.
11. Chimney flue ducts must not project more than two (2) feet above the chimney enclosure. A spark-arresting screen must cap the flue. (Revised 9-07)
12. A minimum three-quarter (3/4) inch diameter water line, insulated from the point of tap-in to the home, is required. An inside pressure regulator must be installed in the water service line next to the main shutoff valve. Birchwood Farms Maintenance Staff is to be contacted for the actual connection to our water main. (Revised 9-07)
13. Utility service lines and cable service must be installed underground. (Revised 9-07)
14. Use of propane, external wood burning boilers or oil-fired furnaces in new construction within Birchwood Farms is prohibited. Any geothermal heating system must have A.C.C approval and cannot be connected to the Birchwood Farms Golf & Country Club water system. (Revised 9-07)
15. Air conditioning units must be located in an approved unobtrusive area and landscaped, if necessary. (Revised 10-29-03)
16. A year-round "dusk to dawn" automatic light must be installed at the entrance to the property. The light design and materials must be approved by the A.C.C. The light shall be direct wired, controlled by an electric eye, and must operate

## BUILDINGS AND USE RESTRICTIONS RULES AND REGULATIONS

twenty-four (24) hours per day, three hundred sixty-five (365) days per year. The light shall be placed within the front property line approximately six (6) feet from the driveway. House numbers three (3) inches or larger in height shall be located so the "dusk to dawn" light will provide sufficient illumination to make the house number visible in darkness. House numbers shall also be visible in two directions at the road for quick and easy identification in case of a 911 emergency.

17. Seasonal holiday outdoor decorations must be removed within one (1) month following the holiday.

### **G. Landscaping – Undeveloped Lots, New and Existing Homes**

1. A landscape plan must be submitted with the building plans.
2. A detailed new or re-landscape plan must be submitted for existing homes. Shrubs, plants and flowers surrounding within ten (10) feet of the house are permitted without approval.
3. Lawns for open lots must be approved.
4. Wood chips and shredded bark may be used for ground cover.
5. Undeveloped lots shall be retained in their natural condition. Any tree that endangers adjacent homes or property must be removed by the Property Owner. (Revised 10-29-03)
6. No tree over 4" in diameter shall be trimmed or removed outside of fifteen (15) feet from the house without A.C.C. approval. Any tree trimming or removal within fifteen (15) feet of the house is permitted after notification has been given by the A.C.C.
7. The POA Board of Trustees shall have the authority to impose a fine of \$100 per tree removed/trimmed in violation of any restriction in these Rules and Regulations. In such a case, the POA Board shall have the authority to deny access to Birchwood for a period of one year from the date of the violation to any tree service that removed/trimmed the trees in violation of this Rule. (Revised 1-25-10)
8. Lawn irrigating systems are permitted, but operation is subject to P.O.A. water policies.

9. Fencing of any kind must be approved by the A.C.C. Unauthorized fencing will subject the offending Property Owner to the cost of removal and repair of landscape.

10. To maintain the natural environment of the development, a protected reserve, designated as the "green belt" is created for each lot measuring forty (40) feet from the front lot line and extending across the width of the lot and/or fronting on all roads. Unless a request for a lawn or other landscaping is submitted for A.C.C. approval, the Property Owner is responsible to assure this area remains in its natural state. Should this area be damaged, repairs must be made under the guidance of the A.C.C. at owner's expense. Penalties and/or fines will be imposed for violations of any of the preceding requirements.

## ARTICLE II

### **A. Use Restrictions – Rules & Regulations**

1. No lot shall be used except for single family residential purposes. Each lot is restricted to one building site.
2. No business, trade or enterprise, including garage or moving sales, are permitted.
3. The residence may be rented at the owners' discretion in accordance with the P.O.A. rules in force at the time of completing a rental agreement. Contact the General Manager for requirements. Renters are subject to the same Rules and Regulations as Property Owners. Violations by renters will result in fines to be paid for by the renter or Property Owner. See Appendix "A".
4. Trucks, trailers, campers, boats, snowmobiles, personal watercraft and motor homes must be housed in garages or off site overnight. Upon request, the General Manager is authorized to issue a permit for driveway parking not to exceed seven (7) consecutive nights. Violations of these parking rules will result in a \$25 fine for each day of violation. All automobiles not garaged must be operable, properly licensed and insured. (Revised 9-07; 1-25-10)
5. Fixed wing aircraft, helicopters or hot air balloons are prohibited from landing or taking off from Birchwood Property.

## BUILDINGS AND USE RESTRICTIONS RULES AND REGULATIONS

6. Operation of snowmobiles, all terrain and other powered vehicles not licensed for public highway use is prohibited.
7. No animals of any kind shall be permitted on Club grounds other than domestic pets (dogs, cats, birds). No household shall be allowed to keep pets in unreasonable numbers. Households desiring to keep more than two dogs and/or cats must obtain permission from the A.C.C. Pets must be under the control of owners at all times, leashed, and are not permitted to become a nuisance to neighbors and the community at large. Owners of animals running loose and not under control will be fined \$25 per occurrence.
8. Horseback riding is not permitted on Birchwood property.
9. No recreational activity other than bank fishing is allowed on Birchwood ponds.
10. Fishing rights in the ponds are reserved for the enjoyment of members only and their accompanied guests.
11. Ice fishing sheds, boats, rafts and docks are prohibited on the ponds.
12. Sign display in Birchwood is restricted according to the following table:

Signs permitted	Sign Type	Limitations
	Residential identification signs	ACC approval –not to exceed 1 ½ sq ft in area
	Developer “Model Open”	ACC Approval: the size, design, colors and proposed location must be submitted before posting
	Seasonal signs warning of danger	ACC approval – max size, 1 sq ft. in area
	Security Signs	ACC approval: max size 8”x8” located within 20’ of front door
	Legal notices & signs required by statute	Must conform to the statute
Signs Prohibited	All others	

(Revised 1-25-10)

13. Privately owned golf carts are not permitted.
14. Outdoor antennas are allowed providing they are of the dish type and not to exceed twenty-two (22) inches in diameter. The antenna location on the house must be approved by the A.C.C. prior to installation.
15. Vehicle parking on roadway shoulders is prohibited except adjacent to the roadway between ponds while fishing. Parking next to ponds is prohibited. Overnight parking on roadways is not permitted.
16. POA Members may not display a “For Sale” sign in or on a vehicle or object within Birchwood Farms Golf & Country Club. (Revised 9-07)

### **B. Maintenance**

1. Owners shall maintain homes and improvements thereon in a neat and attractive manner. Grass and weeds must be cut and dead trees, shrubbery and plants removed. No garbage, refuse, or cuttings shall be deposited or left on the premises. Open fires are prohibited. Vacant lots shall be left natural. Dead and/or fallen trees may be removed. Partially felled trees or trees creating a hazard (determined by the A.C.C) must be felled or removed. (Revised 9-07; 1-25-10)
2. In the event an owner, after due notice, fails to maintain the premises and improvements thereon in a manner satisfactory to the Association, the Association shall have the right, through its agents or employees, to enter the property and clean, repair, maintain or restore the site, the building exteriors or other improvements. Corrective costs and/or fines will be billed to the owner. Such fines and/or billings shall constitute a lien upon the property until paid.

## ARTICLE III

### **I. Introduction**

- (a) The Association adopts a Cross Connection Control Program as outlined herein for the protection of the Birchwood Farms Type 1 Public Water Supply.
- (b) This will be a community wide program administered by the Association to inspect the water system in all homes in Birchwood on a five (5) year

## BUILDINGS AND USE RESTRICTIONS RULES AND REGULATIONS

rotating basis and to maintain all records and reporting submittals to the State of Michigan.

(c) Properly certified plumbing inspectors, as more completely defined below, will be engaged to assure that the inspections will be conducted in compliance with the law, and with the lowest overall cost and inconvenience to the home owners.

(d) The cost of inspections and any modifications or repairs to piping or control devices will be at the homeowner's expense.

### **II. Authority and Governing Rules & Regulations**

Birchwood Farms Golf and Country Club hereby officially adopts and incorporates by reference, the State of Michigan Cross Connection Control Rules in accordance with the requirements set forth by the Department of Environmental Quality (MDEQ) and the Michigan Safe Drinking Water Act 1976 PA 399, as amended, and the Administrative Rules promulgated hereunder (Act 399) and by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality being R325.11401 to R325.11407 of the Michigan Administrative Code and as set forth in Section 1 through 7 of the Cross Connection Control Guide Lines for protection of public water supply systems, and further set forth here in the Birchwood Farms Golf and Country Club Cross Connection Control Program.

"Cross Connection" is defined as a connection or arrangement of piping or appurtenances through which a backflow could occur. The Cross Connection Control Program will take effect immediately upon approval of the MDEQ.

#### **1. Inspection**

Inspections of all cross connections shall be performed by a trained backflow inspection person who shall be a licensed plumber. Individuals who perform the inspections shall be certified to conduct such inspections by the State of Michigan by virtue of having obtained the necessary training through available manuals on cross connection prevention, including the Cross Connection Rules Manual as published by the MDEQ and attendance at any cross connection training sessions sponsored by the MDEQ or other recognized agencies.

#### **2. Schedule**

The schedule for inspections shall be in accordance with the following general outline:

- a. Known or suspected secondary water supply cross connections shall be inspected first.
- b. Known or suspected submerged inlet cross connections will be inspected next.

In general, emphasis will be placed on making inspections initially where cross connections are known to exist.

#### **3. Schedule of Reinspection**

In order to assure against the hazards of cross connections, it will be necessary to periodically and systematically reinspect all residential water customer systems in Birchwood for the presence of cross connections. The schedule for reinspection shall be on a rotating basis every five (5) years. Whenever it is suspected or known that modifications have taken place with piping systems serving a particular customer, reinspection of the premises will be made at that time and then every five (5) years thereafter.

#### **4. Protective Methods**

The methods used to protect against cross connections as outlined in the Cross Connections Rules Manual will be incorporated into the Birchwood Cross Connection Control Program. Whenever any deviation from the recommended method of protection is contemplated, approval from the MDEQ shall be obtained.

#### **5. Compliance Time**

The time allowed for correction or elimination of any cross connection shall be as follows

1. Cross connections which pose an imminent and extreme hazard shall be disconnected immediately and so maintained until necessary protective devices are installed or modifications are made.
2. Cross connections which do not pose an extreme hazard to the system, but nevertheless constitute a hazard should be corrected in a reasonable period of time. The length of time allowed for correction should be reasonable and may vary depending on the type of device necessary for protection. Anyone who has an irrigation system or boiler which is connected to the water system has a potential cross connection.

## BUILDINGS AND USE RESTRICTIONS RULES AND REGULATIONS

### 6. Testing

All testable devices shall be tested upon installation and at an interval to be determined by Birchwood in accordance with the Cross Connection Rules Manual. A copy of the test results shall be submitted to Birchwood Farms Water Department. (1-25-10)

### APPENDIX A

#### BIRCHWOOD FARMS GOLF & COUNTRY CLUB PROPERTY OWNERS ASSOCIATION

##### *Due Process for Non-Compliance With Rules & Regulations*

In the event of a violation of the P.O.A. Rules and Regulations, the following procedures shall be applied:

1. In a case determined by the A.C.C to involve potential irreparable harm to Birchwood, or where there has been a violation of these Rules or the Construction Rules that must be corrected immediately, as determined by the A.C.C, the A.C.C may proceed to immediately halt work on any such project, and the POA Board of Trustees may immediately seek equitable and legal relief to enjoin such activity, or seek damages.
2. In cases where the A.C.C determines that there has been a violation of the Rules and Regulations that can be cured by the Property Owner, and, in the A.C.C.'s determination, is not of such significance as described in Paragraph 1 above, the A.C.C shall give written notice to the owner of such violation (the "Notice of Violation") mailed by U.S. Certified Mail. If the builder or person performing the work is known, a copy of the Notice sent to the Owner may also be directed to that entity.
3. In a case described in Paragraph 2 above, the Notice of Violation shall specify the nature of the violation. The owner shall have seven (7) days after the Notice to correct the violation, unless a longer period of time is specified by the A.C.C. in its Notice of Violation. Within the time frame for correcting the violation, the owner may submit a written request to the A.C.C. for a hearing. If timely requested, the A.C.C shall conduct a

hearing of the matter, and the A.C.C and the owner may present arguments and facts to the A.C.C. If, after the hearing the A.C.C. still finds the owner in violation, the seven (7) days shall commence from the day of the A.C.C's decision.

4. Should the owner fail to correct the violation within the seven (7) day period, the POA Board of Trustees will issue a Notice of Non-Compliance against the lot on which the violation exists.

5. When the Notice of Non-Compliance has been issued, or when the A.C.C determines to proceed under Paragraph 1 above, the POA Board of Trustees may immediately suspend the owner's Club privileges, seek injunctive and other equitable and legal relief, and assess the owner a fine of \$100 per day until the violation has been corrected.

### APPENDIX B

1. "P.O.A." or "Association" shall mean the Birchwood Property Owners Association.
2. "Birchwood" shall mean Birchwood Farms Golf & Country Club Property Owners Association.
3. "Board" shall mean the Birchwood Board of Trustees.
4. "A.C.C." shall mean the Birchwood Architectural Control Committee.
5. "Owner" or "Property Owner" shall mean the owner(s) (fee simple title of land or land contract vendee) of any Birchwood home site, or in the case of condominiums, the Condominium Association.
6. "P.U.D." shall mean Planned Unit Development.
7. "Contractor" shall mean an agent, company or person hired for new construction, remodeling, etc.

## BUILDINGS AND USE RESTRICTIONS RULES AND REGULATIONS

### **BIRCHWOOD FARMS GOLF & COUNTRY CLUB**

#### NEW HOME CONSTRUCTION INFORMATION

To assist Property Owners contemplating construction of a new home, the following documents specify design and construction requirements, which must be rigidly adhered to:

- Construction Plan Checklist Sign-Off Form
- Construction Plan Property Owner/Contractor Sign-Off Form
- Builder/Contractor Compliance Agreement
- Tree Service Request Form

To avoid any misunderstanding or misinterpretation of these documents, Property Owners must review the foregoing documents with their contractor to establish the mutual areas of responsibility to assure compliance. It is the ultimate responsibility of the Property Owner for the actions of their contractors, sub-contractors and suppliers regarding any breach of the Rules and Regulations. The Architectural Control Committee (A.C.C.) will halt work on a project if a violation of any rule or regulation occurs.

Prior to the beginning of any construction, a Security/Escrow Fee in the amount of eight thousand dollars (\$8,000) shall be made payable to the Property Owners Association (P.O.A.).

Four thousand dollars (\$4,000) of this amount is non-refundable and is required for:

- Water Tap-in Fee of three thousand dollars (\$3,000)
- One thousand dollars (\$1,000) for ongoing inspections and final inspections. (Revised 9-07)

Four thousand dollars (\$4,000) is refundable after completion of construction, final inspection and issuance of the Certificate of Occupancy. However, the cost of repairing damage caused by the Property Owner or by any of his or her contractors to the common grounds, roadways and costs associated with violations of the Building & Use Restrictions Rules & Regulations shall be deducted from this amount. Any P.O.A. costs exceeding four thousand dollars (\$4,000) shall be billed to the Property Owner.

As of January 1, 2003, all new home Property Owners must deliver to the A.C.C., three sets of their final site plan and detailed building plans for review and comments. Once approved and signed by the A.C.C., two sets of plans will be returned to the Property Owner and one set will be kept in the A.C.C. files. The A.C.C. evaluates site and detailed building plans only for the compliance to Birchwood Farms Golf and Country Club Rules and Regulations. It is the homeowner, architect and/or home designer, and builder's responsibility to make sure the building conforms to all federal, state and local building ordinances, code and structural integrity. (Revised 9-07)

#### HOME RENOVATION INFORMATION (Exterior Alteration Only)

Plans and drawings of exterior alterations must be submitted to the A.C.C. for approval. After review of such plans and drawings, the A.C.C. shall determine whether a Security/Escrow Fee of one thousand dollars (\$1,000) from the owner shall be due after plans have been reviewed by the A.C.C. A determination on whether a Security/Escrow Fee is deemed necessary will be communicated at the time of approval. The Security/Escrow Fee if needed must be paid before the project begins.

The following work may require a Security/Escrow Fee but not limited to:

- Re-Shingling
- Painting
- Deck Repair
- Landscaping
- Siding

The A.C.C. reserves the right to charge a Security/Escrow Fee on any and all exterior projects. (Revised 1-25-10)

**Birchwood Farms Golf & Country Club  
Property Owners Association  
Architectural Control Committee**

# BUILDINGS AND USE RESTRICTIONS RULES AND REGULATIONS

## BIRCHWOOD FARMS GOLF & COUNTRY CLUB

### Building & Use Restrictions Rules & Regulations Checklist

#### CONSTRUCTION PLAN CHECKLIST SIGN-OFF FORM

(Form revised on 4-26-10)

1. Owner: \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_

Address: \_\_\_\_\_

2. Contractor: \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_

Address: \_\_\_\_\_

3. Lot # \_\_\_\_\_ Street Address: \_\_\_\_\_

The following items (where applicable) MUST appear on the home and site plans:

Elevations and Floor Plans: Scale ¼ in. = 1 ft. min.

Topographical Map: Scale 1 in. = 30 ft. min.

Landscape Plan: Example - Trees, Shrubs, Lawn, Irrigation

Air Conditioner Location (if applicable)

Actual Measurement Required

➤ Dwelling:  
Square Footage \_\_\_\_\_  
Height (35 ft. max.) \_\_\_\_\_  
Foundation (type) \_\_\_\_\_  
Garage (2 car min.) \_\_\_\_\_  
Foundation Exposure \_\_\_\_\_

➤ Exterior Materials:  
Roof Shingles: Asphalt or Cedar Shakes  
Make & Color \_\_\_\_\_  
Siding:  
Cedar or Redwood: \_\_\_\_\_  
Accent Stone:  
Brand & Color: \_\_\_\_\_

➤ Exterior Stains Brand & Colors:  
Siding: \_\_\_\_\_  
Trim: \_\_\_\_\_  
Entrance Doors: \_\_\_\_\_  
Garage Doors: \_\_\_\_\_  
Window Frames: Clad Color or Stain Color: \_\_\_\_\_

➤ Water Lines:  
Material: \_\_\_\_\_  
Insulation: \_\_\_\_\_  
Pressure Regulator Valve: \_\_\_\_\_  
Testable Backflow Preventer  
➤ Irrigation System/ Boiler: \_\_\_\_\_

➤ Setback Requirements:  
Front Road Lot Line: 40 ft. \_\_\_\_\_  
Rear Lot Line: 40 ft. \_\_\_\_\_  
Side Lot Lines: 15 ft. \_\_\_\_\_

➤ Driveway & Parking Areas:  
Culvert: \_\_\_\_\_  
Asphalt: \_\_\_\_\_  
Concrete: \_\_\_\_\_  
Brick Paved: \_\_\_\_\_  
Drainage Control Plan: \_\_\_\_\_

➤ Dusk to Dawn Yard Light:  
Design: \_\_\_\_\_  
Location: \_\_\_\_\_  
House Numbers on  
Yard Light (3 in. min.): \_\_\_\_\_

➤ Civil Engineer Site Survey: \_\_\_\_\_

➤ Health Department Septic Permit: \_\_\_\_\_  
Scaled Diagram of Septic Field Location: \_\_\_\_\_

➤ Security/Escrow Fee:  
Amount & Date Received: \_\_\_\_\_  
Amount & Date Received: \_\_\_\_\_

Reviewed & Approved by the Architectural Control  
Committee

Owner's Acknowledgement \_\_\_\_\_ Date \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

Contractor's Acknowledgement \_\_\_\_\_ Date \_\_\_\_\_

**BIRCHWOOD FARMS GOLF & COUNTRY CLUB  
PROPERTY OWNERS ASSOCIATION**

CONSTRUCTION PLAN PROPERTY OWNER/CONTRACTOR SIGN-OFF FORM

1. Owner: \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_  
Address: \_\_\_\_\_
2. Contractor: \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_  
Address: \_\_\_\_\_
3. Lot # \_\_\_\_\_ Street Address: \_\_\_\_\_

The undersigned hereby acknowledges that they have received, read and understand the Building and Use Restrictions and Regulations and agree to comply with all of the requirements set forth herein.

Acknowledged and agreed to on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

By: \_\_\_\_\_  
Property Owner

By: \_\_\_\_\_  
Contractor

(Both Property Owner and Contractor to Sign)

The original signed copy of the Acknowledgement must be filed in the Association's office prior to beginning construction on home sites.

**BIRCHWOOD FARMS GOLF & COUNTRY CLUB  
PROPERTY OWNERS ASSOCIATION**

BUILDER/CONTRACTOR COMPLIANCE AGREEMENT

The following extracts and highlights from the Rules & Regulations are provided to remind and assist you during the construction process. This list is not all-inclusive, all rules and regulations must be adhered to unless prior written approval is received from the A.C.C.

- Liability insurance coverage must be acquired for all employees.
- All permits must be posted on a freestanding permit board before **any** work begins.
- Before any site development, a driveway apron must be constructed at the entrance to the site for use by construction vehicles. The apron must be fifteen (15) feet wide and extend back from the roadway for a distance of twenty-five (25) feet. The apron shall be constructed of compacted gravel and Afton stone to a depth of six (6) inches and rise one (1) inch above the roadway surface. (Revised 10-29-03)
- Before **any** tree cutting or trimming the builder/contractor must obtain a **Birchwood Tree Service Request Form**. Trees must be marked with supplied **Birchwood red and blue ribbons** and must be approved before proceeding with cutting and trimming.
- Cut trees, branches, brush and stumps for the driveway, house footprint and septic field must be removed. (Exceptions: Cut and stacked fireplace wood and chip ground cover.)
- No vehicles, sheds, tools, dumpsters, toilets, equipment or materials may be stored in the "green belt". The "green belt" is forty (40) feet deep measured from roadside lot line and extends the entire width of the lot.
- On-site Temporary toilet facilities must be provided until an inside toilet is available.
- Construction site must be kept clean of debris at all times. A dumpster must be provided for disposal of building materials.
- Work may not begin before 7:00 a.m. and must cease by 6:00 p.m. No work is allowed on Sundays, New Year's Day, Memorial Day, 4<sup>th</sup> of July, Labor Day, Thanksgiving or Christmas.
- Excessive noise such as unnecessary yelling and loud radios is prohibited.
- Advertising signs of any kind are not allowed.
- No burning of any kind.

Failure to comply with the preceding rules and all others stated in the Building & Use Restrictions Rules and Regulations will result in stoppage of work and possible prohibition of building future homes in Birchwood.

Acknowledged and agreed to on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

By Builder/Contractor: \_\_\_\_\_

Witnessed by: \_\_\_\_\_ A.C.C. or Birchwood Management

cc: Chief Birchwood Security/A.C.C.  
General Manager

**PROPERTY OWNERS ASSOCIATION**  
**TREE SERVICE REQUEST FORM**

Property Number: \_\_\_\_\_ Location: \_\_\_\_\_  
Property Owner Name: \_\_\_\_\_  
Tree Service Contractor Company: \_\_\_\_\_  
Contractor's Representative: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
Contract Date: \_\_\_\_\_ Birchwood Person Contacted: \_\_\_\_\_  
Ribbon Provided By: \_\_\_\_\_ On (Date): \_\_\_\_\_

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**PRE-INSPECTION REVIEW**

A.C.C. Inspection Before Work Began By: \_\_\_\_\_  
Date Inspected: \_\_\_\_\_  
Estimated Date(s) Of Tree Work: \_\_\_\_\_  
Number Of Trees To Be Removed: \_\_\_\_\_  
A.C.C. Approval To Proceed By: \_\_\_\_\_

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**COMPLETION REVIEW**

A.C.C. Inspection After Work was Completed by: \_\_\_\_\_  
Date Inspected: \_\_\_\_\_  
Number Of Trees Removed: \_\_\_\_\_  
A.C.C. Completion Approval by: \_\_\_\_\_