

# 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 & Security Committee (AC&SC), 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 AC&SC 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 AC&SC 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 (AC&SC) shall be required to approve or reject all residential building plans. A quorum is defined as the majority of the full AC&SC 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 Article II, Section 7 of the Bylaws ("suspension of Members") may be invoked for infractions of these Rules and Regulations.

The POA Board of Trustees has delegated to the AC&SC 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 AC&SC
2. If a plan for a new house, remodeling or landscaping is presented to the AC&SC, and the AC&SC, by resolution, determines that the plan will adversely affect property values or the character of Birchwood, the AC&SC may disapprove such plan. (Revised 1-25-10)
3. The AC&SC will upon request, provide the Property Owner/builder at the preliminary stages of design, examples of desirable architecture and exterior appearance. The AC&SC 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 AC&SC'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)
5. The owner of each homesite shall, at all times, keep such homesite and any improvements situated thereon in such a manner as to prevent it from becoming unsightly which adversely affects the overall aesthetics within Birchwood. In the event an owner of any homesite shall fail to maintain the premises and the improvements situated thereon in a manner satisfactory to the Architectural Control and Security Committee (AC&SC), refer to the Homesite Maintenance Plan (HMP) process), such committee shall have the right, through its agents and employees to enter upon said homesite and clean, repair, maintain, and restore the homesite and exterior of the buildings and any other improvements erected thereon. The Association shall bill corrective costs and/or fines to the owner. (Revised 2-24-20)

SEE CONSTRUCTION PLAN SIGN-OFF FORM

## BUILDING AND USE RESTRICTIONS RULES AND REGULATIONS

### ***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 AC&SC
2. Prior to start of construction, all government permits, notices and the AC&SC Compliance Certificate must be posted on a freestanding permit board on the homesite.
3. The exterior of new construction or building modifications must be completed within twelve (12) months from the start of construction, and certified for occupancy within an additional six (6) months. All exterior work, including painting and staining, must be completed prior to requesting AC&SC 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. At the direction of Security, caution signs must be posted on the roadway where sharp curves or intersections prevent clear traffic visibility. (Revised 10.26.20)
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.
14. Failure to comply with any of the requirements stated above may result in a \$25 fine for the first offense, a \$50 fine for the second offense and a \$75 for the third offense. Membership privileges may be suspended at the discretion of the BOT for repeated offenses. (Revised 10.26.20)

### ***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 AC&SC 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 AC&SC will be conducted to assure compliance with the approved plans and Rules and Regulations.

## BUILDING AND USE RESTRICTIONS RULES AND REGULATIONS

Deviations or revisions from the approved plans must be submitted in writing and have prior AC&SC 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 AC&SC to Property Owners located within 300 feet in all directions of the lot 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 AC&SC within three (3) days following the seven (7) day review period. (Revised 1-25-10)

### **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 AC&SC. A variance must be approved by the AC&SC 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 (50) feet apart.

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

1. All site development plans require approval by the AC&SC. 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, permanently mounted basketball hoops require ACC approval. If approved they must be kept in good repair. Portable hoops must be stored out of sight in winter or when homeowners are not in residence. 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 AC&SC. 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 inch above the roadway surface. (Revised 10-29-03)
9. The AC&SC 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 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 AC&SC.

## BUILDINGS AND USE RESTRICTIONS RULES AND REGULATIONS

### *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 four (4) 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 AC&SC. Materials to be approved must be submitted to the AC&SC 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 AC&SC 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 AC&SC 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 AC& SC. 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 AC&SC. A minimum 6"x12" sample board 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 (¾) 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 AC&SC 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 shall be installed at the entrance to the property. The light design and materials shall be approved by the AC&SC. The light shall be direct wired, controlled by an electric eye, and must operate twenty-four (24) hours per day, three hundred sixty-five (365) days per year. The light should be placed within the front property line approximately six (6) feet from the driveway. House numbers should be three (3) inches or larger in height and should 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.
18. Failure to comply with any of the requirements stated above may result in a \$25 fine for the first offense, \$50 fine for the second offense and a \$75 fine for the third offense. Membership privileges may be suspended at the discretion of the BOT for repeated offenses. (Revised 10.26.20)

## BUILDINGS AND USE RESTRICTIONS RULES AND REGULATIONS

### **G. Landscaping – Undeveloped Homesites, New and Existing Homes (Revised 2-24-20)**

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 homesites shall be maintained by the owner so they are prevented from becoming unsightly which adversely affects overall aesthetics within Birchwood. Any tree that endangers adjacent homes or property must be removed by the Property Owner. In the event an owner fails to maintain the homesite and improvements thereon in a manner satisfactory to the AC&SC, the Association shall have the right through its agents or employees, to enter the property and clean, repair, maintain and restore the homesite. The Association shall bill corrective costs and/or fines to the owner. (Revised 10-29-03 & 2-24-20)
6. No tree over 4" in diameter shall be trimmed or removed outside of fifteen (15) feet from the house without AC&SC approval. Any tree trimming or removal within fifteen (15) feet of the house is permitted after notification has been given by the AC&SC
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 AC&SC. 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 homesite 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 AC&SC approval, the Property Owner is responsible to assure this area remains in its natural state. The green belt shall be maintained by the owner and prevented from becoming unsightly as determined by the AC&SC.

Should this area be damaged, repairs must be made under the guidance of the AC&SC at the owner's expense. Penalties and/or fines will be imposed for violations of any of the preceding requirements. (Revised 2-24-20)

### **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, moving sales or estate sales, are permitted. (Revised 10.26.20)
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/COO 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/COO 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.
6. Operation of snowmobiles, all terrain and other powered vehicles not licensed for public highway use is prohibited.
7. Domestic animals, except service animals as defined by applicable state regulations accompanying members and guests, are not permitted in the Clubhouse or decks, racquet sports courts, golf practice facilities, cart barn area, Three- Way House eating area and pool area. (Revised 05- 2019) 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 AC&SC. Pets must be under the control of owners at all times, leashed, beyond member's homesite or living unit and are not permitted to become a nuisance to neighbors and the community at large. (Revised 10.26.20)

# BUILDINGS AND USE RESTRICTIONS RULES AND REGULATIONS

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 pond 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	AC&SC approval –not to exceed 1 ½ sq ft in area
	Developer “Model Open”	AC&SC Approval: the size, design, colors and proposed location must be submitted before posting
	“Open House”	Signs may be placed, then removed, on day of open house
	Seasonal signs warning of danger	AC&SC approval – max size, 1 sq ft. in area
	Security Signs	AC&SC 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; 3-25-19)

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 AC&SC 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)
17. Failure to comply with any of the requirements stated above may result in a \$25 fine for the first offense, a \$50 fine for the second offense and a \$75 fine for the third offense. Membership privileges may be suspended at the discretion of the BOT of repeated offenses. (Revised 10.26.20)

## ***B. Maintenance***

1. Homesites (Developed & Undeveloped). Owners shall maintain homes and improvements thereon in a neat and attractive manner. Developed and undeveloped homesites shall be prevented from becoming unsightly which adversely affects the overall aesthetics within Birchwood. No garbage, refuse or cutting shall be deposited or left on the premises. Open fires are prohibited. The AC&SC must approve any request for a non-portable fire pit or similar outdoor structure. Dead and/or fallen trees must be removed. Partially felled trees or trees creating a hazard (determined by the AC&SC) must be felled and removed. In the event an owner fails to maintain the homesite and improvements thereon in a manner satisfactory to the AC&SC, the Association shall have the right through its agents or employees, to enter the property and clean, repair, maintain and restore the homesite and the building exteriors or other improvements. The Association shall bill corrective costs and/or fines to the owner. ( Revised 9-07; 1-25-10; 2-24-20)
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.
3. Homeowners with “grandfathered” gravel driveways must keep them in good repair. They must have a layer of stone thick enough so that no subsoil is visible. They shall be graded, level, with adequate drainage, have defined edges and be free of vegetation.

## **ARTICLE III**

### ***I. Introduction***

- (a) The Association adopts a Cross Connection Control Program as outlines 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 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 homeowners.
- (d) The cost of inspections and any modifications or repairs to piping or control devices will be at the

# BUILDINGS AND USE RESTRICTIONS RULES AND REGULATIONS

## ***I. 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 never the less 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.

### **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 Golf & Country Club Water Department. (1-25-10)

# BUILDINGS AND USE RESTRICTIONS RULES AND REGULATIONS

## 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 AC&SC 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 AC&SC, the AC&SC 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 AC&SC determines that there has been a violation of the Rules and Regulations that can be cured by the Property Owner, and, in the AC&SC's determination, is not of such significance as described in Paragraph 1 above, the AC&SC 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 AC&SC in its Notice of Violation. Within the time frame for correcting the violation, the owner may submit a written request to the AC&SC for a hearing. If timely requested, the AC&SC shall conduct a hearing of the matter, and the AC&SC and the owner may present arguments and facts to the AC&SC. If, after the hearing the AC&SC still finds the owner in violation, the seven (7) days shall commence from the day of the AC&SC'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 AC&SC 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. "AC & SC" shall mean the Birchwood Architectural Control & Security Committee.
5. "Owner" or "Property Owner" shall mean the owner(s) (fee simple title of land or land contract vendee) of any Birchwood homesite, 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 (AC&SC) 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 AC&SC, three sets of their final site plan and detailed building plans for review and comments. Once approved and signed by the AC&SC, two sets of plans will be returned to the Property Owner and one set will be kept in the AC&SC files. The AC&SC 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 AC&SC for approval. After review of such plans and drawings, the AC&SC 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 AC&SC. 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 AC&SC 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 & Security 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 AC&SC

- 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 groundcover.)
- 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: \_\_\_\_\_ AC&SC or Birchwood Management

cc: Chief Birchwood Security/AC&SC  
General Manager/COO

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

**TREE REMOVAL/TRIMMING AUTHORIZATION 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): \_\_\_\_\_

\*\*\*\*\*

**PRE-INSPECTION REVIEW**

Inspection Performed by AC&SC Committee Members: \_\_\_\_\_

Date Inspected: \_\_\_\_\_

Estimated Date(s) Of Tree Work: \_\_\_\_\_

Number of Trees to Be Removed: \_\_\_\_\_

Work to be Completed By (approval valid for 12 months): \_\_\_\_\_

Survey Required: Yes or No \_\_\_\_\_

AC&SC Approval To Proceed By: \_\_\_\_\_

Member Signature: \_\_\_\_\_

\*\*\*\*\*

**COMPLETION REVIEW**

AC&SC Inspection After Work was Completed by: \_\_\_\_\_

Date Inspected: \_\_\_\_\_

Number Of Trees Removed: \_\_\_\_\_

AC&SC Completion Approval by: \_\_\_\_\_