

**RULES AND REGULATIONS
APPLE MOUNTAIN LAKE PROPERTY OWNERS ASSOCIATION, INC.**

Amended and Ratified by the General Membership on October 18, 2009

**SECTION 1
DEFINITIONS**

“Association” means the Apple Mountain Lake Property Owners Association, Inc.

“Active member” is a lot owner current in payment of assessments and fees.

“Inactive member” is a lot owner delinquent in payment of assessments and fees.

“Development” means Apple Mountain Lake Subdivision, as platted on the land records of Warren County.

“Road” means any road built and maintained by the Association.

“Right of Way (or R.O.W.)” means that area within the 50 foot common area easement that contains the “Roads” that is maintained by the Association and as duly shown on the Declaration and Plat of Apple Mountain Lake, which is of record in the Clerk’s Office of the Circuit Court of Warren County, Virginia in Deed Book 179, at Page 94.

“Common Area” means any land owned by the Association, including the lakes, dams, swimming and picnic area, playground and basketball court area, and area reserved in the original plan for a ski slope. There is no common area on the upper lake, except for the dam.

“Amenities” means any facilities temporarily or permanently placed in a common area for the use of active members.

“R.D.P.” means the “Resolution of Due Process for Enforcement of Rules and Regulations, Restrictive Covenant, and By Laws of Apple Mountain Property Owners Association” as currently ratified or subsequently amended according to law.

“Construction” means building of any structure, fence, well, retaining wall or other man made feature. This also includes lot improvement including grading and tree clearing of over 2,500 sf in lot area.

**SECTION 2
GENERAL RULES AND REGULATIONS**

- A. Each owner of each lot shall pay an annual maintenance fee in such amount as set forth by the Articles of Incorporation and the Protective Deed Covenants and Beneficial Property Restrictions.
- B. Each owner of each lot shall pay within forty-five (45) days of notification any special assessments levied by the Board of Directors, which shall be in addition to the annual maintenance fee, provided the requirement to pay such fee is not altered by a duly called and constituted meeting of active members of the Association.
- C. Failure to pay the fees by the effective dates shall cause:
1. The Board of Directors to declare an owner as an inactive member and shall result in revocation of rights of said member to use the common areas and amenities, except those roads necessary to travel to and from the member's lot; and
 2. Placement of liens against the lots involved; all of which shall remain in effect until all delinquent fees are paid.
 3. Recovery of legal interest for the sum secured by the lien.
 4. Levying of fines and in accordance with the "R.D.P."
 5. Recovery of reasonable attorney's fees from the property owner.
 6. Court Injunction and / or sale of the property by foreclosure as allowed by law.
- D. Active, but not inactive members, may allow guests to use the common areas and amenities.
- E. Inactive members shall not use the common areas and amenities as guests of active members.
- F. Failure to pay special fees required for use of any specific amenity shall make a member and members of his family ineligible to use the amenity.
- G. Members are liable for payment of all damages, losses, and debts associated with use of common areas and amenities by themselves, members of their families, guests, or tenants, provided the member receives written notice according to the "R.D.P.". The member also has a right to appeal according to the procedure outlined in the Bylaws Article XI. In the event of nonpayment of damages, losses, and debts after notification without appeal or following an unsuccessful appeal, according to the "R.D.P." and Article XI of the Bylaws the Association may:
1. Declare the member as inactive; and
 2. Place a lien in the amount of the damage, loss, or debt against the lots involved.

3. Any other action as outlined in the "R.D.P." or according to law.

Both conditions shall continue until the required payment is made to the Association

H. To ensure use of the common areas and amenities by tenants, owners must supply the Secretary of the Association the name(s) of tenants and the effective dates of the lease or rental contract.

I. Overnight camping is not permitted and camping trailers are not permitted as living quarters on any lots within the development, including lots within the common areas, as at the beach.

SECTION 3 DWELLINGS AND MAINTENANCE OF LOTS

A. No trailers/mobile homes can be placed in the development, including replacement of existing mobile home/trailers.

B. Dwellings may be one or two story above the basement. Basements alone are not considered dwellings and may not be used as living quarters.

C. Buildings shall project a contemporary, mountaineer, or leisure impression in harmony with established buildings in the development and in harmony with the environment.

D. All construction within the development must comply with Warren County ordinances now in effect or as amended, as these pertain to private property development and, for buildings intended as residences, must be comprised of at least 500 square feet excluding porch, decking, and basements or as outlined in the covenants as modified from time to time.

E. No more than one residence shall be constructed on any lot.

F. No new building shall be constructed closer than twenty (20) feet from the right of way line of any roadway or fifteen (15) feet from any point along the side, rear, or front easement lines of any lots, provided placement is in conformity with the County ordinances. Building setbacks shall be met regardless of whether the building owner owns adjacent lots or not.

G. Plans and specifications of any proposed structure in the development and a signed application form as supplied by the Architectural committee must be submitted to the Architectural Committee prior to the commencement of any construction. The Architectural Committee shall have twenty-one (21) days to approve or reject any plans and return the approved or rejected plans the applicant. One set of plans shall be returned stamped whether approved or rejected and one set is to remain in the files of the Architectural Committee. No construction shall take place until the approval of the Architectural committee has been obtained. Plans and specifications to be submitted are to Include

- i. Two (2) sets of professional architectural plans showing the building as intended to built. Plans will be revised as necessary by the applicant to show site specific modifications.
- ii. Two (2) sets of survey plot plans certified by a licensed land surveyor showing lot lines and the location of structures. The plot plan can be deferred until such time as the foundation of the house is in place. At that time the owner shall have the survey plans prepared and given to the Architectural Committee within 2 weeks. However, prior to construction the owner shall have the relevant property line, as determined by the Architectural Committee, staked by a licensed land surveyor.
- iii. Two (2) sets of septic, leach field, or sanitary plans approved by the county. Plans are to shown building location, design and location of sanitary system and location of well.
- iv. Two (2) sets of drainage and erosion control plans. If all the elements of this plan are found on the previous plans those will be considered sufficient. This plan shall show erosion and sediment control measures as required for land disturbance by the State of Virginia and Warren County. The plan will contain the name and contact information of the certified land disturber for the State of Virginia. Measures for the stabilization and seeding of slopes, banks, ditches, etc. shall be shown. The plan will also show schematic layout and necessary calculations to support the proposed drainage patterns of overground rainwater run-off as outlined hereafter:
 1. Sufficiency of existing ditches to handle water from the proposed site or plans and specifications to build new or upgrade existing ditches according to the road and ditch specifications outlined in these Rules and Regulations.
 2. Computations supporting the sizing and location of proposed culvert pipes as required in the Rules and Regulations.
 3. Details of driveway entrance showing how all water from the proposed driveway and lot will be kept off of the road.
 4. Show location and specifications of driveway ditches, culverts, diverters and all measures to minimize driveway erosion and water run-off.
 5. Show how all overland water will be directed away from the proposed structure, other existing neighboring structures and improvements and minimize flooding in the structures, driveways and prevent erosion and sedimentation to the same.
 6. Any other necessary improvements to the public road, drainage system or other as required by these Rules and Regulations or for

the general health safety and welfare of the association members and general public. This may include, but not be limited to road improvements, sight distance clearing, guard rails in steep areas, etc.

v. Signed application form for any improvements to property shall be supplied to the Architectural Committee along with required fees as outlined herein.

vi. Signed driveway application form as supplied by the Architectural Committee accompanied by any necessary driveway location plans and specifications in accordance with these Rules and Regulations.

vii. An onsite pre-construction meeting between the owner or his/her duly delegated representative shall meet with representative of the Architectural Committee and Roads Committee to review approved location of driveway location, drainage issues, Architectural questions and drainage problems. This meeting must be held prior to the start of any construction. The existing condition of the roads to be used by construction traffic will be assessed and documented at this meeting and road failures or damage to the roads due to construction on the site will be assessed according to the Rules and Regulations, the R.D.P. and as otherwise allowed by law.

H. A sum of three thousand five hundred dollars (\$3,500.00) shall accompany all applications for buildings intended as residences to defray the costs of general road wear and tear from construction and related expenses pertaining to architectural review by the Architectural Committee. This fee is not intended to compensate for specific areas of damage due to construction traffic, but is only for general wear and tear of roads. Additional costs associated with specific areas of road damage will be assessed separately according to the Rules and Regulations, R.D.P., and as otherwise allowed by law. All lots that have their only driveway access to Oregon Hollow Road will be required to pay only one thousand dollars (\$1,000.00) per lot. A fee of one thousand five hundred dollars (\$1,500.00) shall be paid for any lot that is being cleared of more than 2,500 square feet as part of construction or land clearing activities, even if on an adjacent or consolidated lot owned by the same owner. This land clearing fee will also apply to clearing on any original lots in a consolidated lot group that does not already have a residence on it. The amount of said construction fees shall not be increased by more than five percent (5%) per year without the specific approval of the general membership. Checks are to be made payable to the Apple Mountain Lake Property Owners Association, P.O. Box 41, Linden, VA, 22642.

I. Should an application be rejected, the applicant shall have forty-five (45) days to respond to the rejection. If the applicant does not respond within forty-five (45) days, the application shall be deemed as withdrawn and fees refunded minus one hundred dollars (\$100.00). A new application, with the original sum required, must be submitted prior to the commencement of any construction.

J. Any construction other than buildings to be used as a residence also requires prior approval of the Architectural Committee. An impact fee may be assessed depending on the circumstances but will not be greater than one thousand dollars (\$1,000.00) or less than fifty dollars (\$50.00). Accessory buildings shall not be higher than one (1) story (normally 12 feet) and shall conform to the same exterior requirements as habitable structures. Approval must be obtained from the Roads Committee prior to the placement or construction of any new driveway, or the refurbishment by paving or otherwise of any existing driveway entrance (that area within the common R.O.W.), excepting regular maintenance, culvert cleaning, etc. The fee for any new driveway application shall be fifty dollars (\$50.00), but will be waived if it is a part of an application for building. If approval is not obtained from the Roads Committee prior to placing the driveway, the owner may be fined or have other action taken as outlined in the R.D.P. and after notification and hearing as outlined in the R.D.P. the board may initiate removal or reconstruction of the portion of the driveway with the R.O.W. at the direction of the Board at the owners expense.

K. Fences and gates must be approved by the Architectural Committee prior to construction. An application fee of up to fifty dollars (\$50.00) may be required subject to the Architectural committees review. Fences and gates, where constructed, shall not exceed beyond the property lines or R.O.W. of any lot. They may not exceed seven (7) feet in height. In no instance shall any fence or gate obstruct sight lines for any road traffic. The President of the Association or a person so delegated can with thirty (30) notice and a hearing according to the R.D.P. remove any fence or gate not in compliance at the expense of the homeowner.

The fees listed in these Rules and Regulation are not comprehensive and, excepting the fees in paragraph "H" above, can be modified and added to as necessary as allowed in the Bylaws.

L. Should any construction start before application is made, the President of the Association or person so delegated by the President shall be empowered to cause a stop work order to be issued and no work shall continue until the application, with the required fees and above outlined information, is received and approved by the Architectural Committee. Furthermore, if construction activity on a property fails to comply with the requirements of these rules and / or fails to comply with the information provided to The Board in the application to build the President of the Association or person so delegated by the President shall be empowered to cause a stop work order to be issued and no work shall continue until the construction is in compliance with the rules and the information provided and approved in the application.

a. Members of the Architectural Committee and the Roads committee and their authorized representatives shall have the right to enter the lots or the buildings under construction for inspection to make sure all requirements are being followed and all proposed plans being followed.

M. Brush piles, logs, stumps and any construction debris must be removed, burned and buried, or buried within thirty (30) days of construction completion or move-in by occupant,

whichever comes first. In no case shall the above items be left on the site for more than ninety (90) days from the time when they are created.

N. Owners are responsible for ensuring that all drain fields, septic tanks, and cisterns are approved by the Warren County Health Department. The owner of every house or other structure to be used as a human habitation shall provide sanitary facilities that comply with the Virginia Code as set forth in the Rules and Regulations of the Board of Health, Commonwealth of Virginia, governing the disposal of sewage, as administered by the Warren County Health Department. All buildings under construction where approved sanitary facilities are not already on site shall provide, at the owner's expense, a Health Department portable toilet at the construction site for the duration of the construction or until the Health Department approved system has been inspected and approved for use by the Health Department. The Association shall use all available legal means to enforce compliance with sanitary conditions within the development.

O. Driveways, Culverts, Ditches, Guardrails, etc.:

a. Driveways and Culverts- Driveways and other lot grading must be constructed in such way to prevent all water run-off into or across roadways maintained by the Association. This includes:

i. Placement of a new culvert or culverts engineered for the appropriate size across the owner's driveway. The culvert shall be made of reinforced concrete pipe (RCP) or other if designed and certified to be structurally sound and to have a 20 year life span by an engineer as it relates to the specific site conditions, depth and size of pipe. The minimum size pipe shall be 15" and shall be larger as designed by the engineer in relation to existing and proposed flows. The Roads Chairman may modify this requirement as necessary due to individual site conditions and consideration of costs.

ii. Culvert placement shall be shown on the proposed plans and approved by the Roads Committee.

iii. Culvert placement and depth shall be a minimum of 18 inches to the bottom of culvert from the road.

iv. Placement of culverts will not interfere with proper road widths and drainage.

v. Any culvert being replaced under an existing driveway shall receive the prior approval of the Roads Chairman or their representative. A site meeting with a representative of the Roads Committee shall take place prior to the replacement or modification of any existing culvert or addition of a culvert to an existing driveway

vi. Ditches will be upgraded as necessary in order to properly facilitate the culvert as outlined under "Ditches".

vii. Existing culverts will be maintained, kept free of debris, unclogged, and replaced by the homeowner if broken or providing insufficient drainage relief.

b. Ditches –

i. Ditches shall be repaired, upgraded, or placed in front of each lot as part of the construction of any new home. Additionally, for new construction, any repairs, upgrades or new ditches required in front of other lots or common areas that are made necessary due to the proper construction of the subject lot will be made at the owners expense.

ii. As a part of the construction of any new home the lot owner will clear all trees, brush, and other vegetation or debris from within the R.O.W. or as otherwise approved by the Roads Chairman or their authorized representative. If the homeowner wishes to retain certain trees or other vegetation within the R.O.W. they shall seek approval from the Roads Chairman who shall make the final decision unless appealed to the Board of Directors.

iii. Ditches shall be built according to "Exhibit-B" attached hereto or as modified and approved by the Roads Chairman or their authorized representative.

iv. The ditches shall be stabilized and lined with grass or filter fabric and riprap or other linings as determined by a certified engineer or the Roads Chairman in relation to projected volume of water, ditch slope, water velocity, etc. The ditch shall be able to withstand without erosion the water from a 10 year storm event. In no case shall the ditch lining be less than filter fabric and rip-rap if the road slope exceeds 5% grade.

v. Ditches shall be improved as necessary to allow for the proper placement of the culvert as required above and in accordance with the exhibit.

c. Guardrails and Slopes– Guardrails shall be placed along the edge of the road of all lots under construction where slopes from the shoulder of the road are steeper than 3:1 or where the slopes are 3:1 to 4:1 with a vertical distance from the road to the bottom of the slope of more than 10'.

i. Guardrails shall be approved prior to installation and shall be built according to VDOT and Warren County specifications.

ii. Downhill slopes at the edge of the road shall not be made steeper within the R.O.W. than naturally existing on site prior to any construction activity. If slopes are made steeper outside the R.O.W., at the Roads Chairman's request, a licensed geotechnical engineer shall be asked to certify the structural integrity of the slope and recommend measures for slope stabilization.

d. Driveway construction:

i. Driveways within the R.O.W. are to be constructed according to "Exhibit-A" attached hereto.

ii. New driveways, repavings, or reconstruction within the R.O.W. shall receive prior approval as outlined herein. If no permit is received from the Roads Committee prior to construction and the driveway does not meet the requirements of the Rules and Regulations, the Association can initiate the processing of violations as outlined within the R.D.P. and thereafter remove the violating driveway within the R.O.W. and charge the owner for the costs of construction according to the regulations.

iii. Pavement on the driveway must end prior to the edge of the road as shown in Exhibit-A and be built in such a way as to not damage snow plows and road graders operating on the road.

iv. Driveways (gravel and paved), drive ditches, and lot grading must be done in such a way as to eliminate the entrance of soil, silt, rock, and other erosion debris from outside of the R.O.W into the R.O.W. ditches and culverts. Debris and erosion in the ditches from individual lots shall be removed from the R.O.W. by the homeowner at their expense.

v. If the Roads Committee determines that an existing driveway does not meet the requirements of the Rules and Regulations, the Association can initiate the processing of violations as outlined within the R.D.P. and thereafter remove or reconstruct the violating driveway within the R.O.W. and charge the owner for the costs of construction according to the regulations.

e. Where damage to roadways occurs due to water run-off or erosion from driveways on lots, the President of the Association, or a delegated person, shall notify owners in writing of needed corrective action according to the R.D.P. Owners shall have ninety (90) days to make corrections after the receipt of a notice of a hearing for the violation or to initiate appeal procedures, as set forth in Article XI of the Bylaws. If neither is done, or the owner fails to complete corrective action following a decision in favor of the Association by the Board or the Appeals Panel, the Association shall arrange for the corrective action to be accomplished and shall place a lien in the amount of the cost for the corrective

action against the lot involved and pursue any other enforcement options outlined in the R.D.P.

P. No inoperative vehicle, unused appliance or other unsightly litter shall be left in the open on any lot. Such items must be stored in a garage or other building. When such items are not so housed, the President of the Association or a delegated person shall notify the owner involved in writing of needed corrective action. The owner shall have twenty-one (21) days after the receipt of a notice of a hearing for the violation to make the corrections or to initiate appeal procedures. If neither is done, or the owner fails to complete corrective action following a decision in favor of the Association by the Board or the Appeals Panel, the Association may seek legal action to achieve corrective results and pursue any other enforcement options outlined in the R.D.P.

Q. Owners shall create sufficient off-road parking space within the confines of their lot(s) for all vehicles parked there by owners, family members, guests, and tenants.

R. Tracts and roads in Apple Mountain Lake are for the private use of property owners, their guests, heirs, and assigns, and no advertising, signs, or billboards of any kind, except directional and informational signs of the Association, may be erected, placed, or maintained on any lot, tract, or right-of-way, nor upon any building erected thereon, except for real estate signs. Open House directional signs will be allowed between the hours of 1:00 PM and 4:00 PM on Saturday and Sunday. The signs are to be placed not more than one-half hour before and removed not later than one-half hour after open house is closed. Yard sale signs will be allowed for a period of not to exceed two (2) days and must be removed prior to sunset on the second day. If these directions are not followed, the signs will be confiscated and fines imposed according to the R.D.P.

SECTION 4 COMMON AREAS AND AMENITIES

A. Use of common areas and amenities, except roads and R.O.W.'s, is restricted to active members and their guests and tenants.

B. When a portable toilet is placed in a common area, it shall not be used for trash, including sanitary napkins and disposable diapers. It is prohibited to deposit human waste in the common area or on adjacent lots.

C. Pets must be restrained on leashes or otherwise under owner control in all common areas where they are permitted. Dogs are allowed at the lower Apple Mountain Lake Area with the following regulations:

1. All dogs shall be on a leash.
2. All dog owners shall clean up after their pets and dispose of the waste properly in receptacles
3. All dogs at the lake shall be current on all vaccinations and county licenses.

4. All dog owners shall be responsible for their pet's actions and the AMLPOA shall not be held responsible for said dogs.
5. No dogs are allowed on the beach area.
6. Violations of these rules shall result in a \$50.00 fine for each violation.

D. Open fires are not permitted at any time within the common areas and amenities.

E. When leaving common areas, users should remove all personal articles and place trash in the container, if provided. Otherwise, users must remove their trash.

F. Active members, guests, and tenants may use the lakes, dams, beach areas, and surrounding common areas for swimming, hiking, boating, fishing, and for other recreational activities. Use of all amenities is at one's own risk.

G. An annual water test to include testing for parasites will be performed on each lake to assure members of safe swimming and fishing.

H. Gasoline powered craft are not permitted in either lake.

I. Glass bottles, sharp objects, alcoholic beverages and other hazardous objects are not permitted in any of the common areas.

J. Charcoal grills may be used in the common area above the beach. All coals must be extinguished and removed following use. Do not light fire or attempt to burn material placed in the trash containers.

SECTION 5 USE OF ROADS

A. No vehicle shall be parked on roadways of Apple Mountain Lake at any time. Vehicles parked on roadways may be towed away at the owner's expense.

B. All vehicles must be operated at all times in a safe manner and in conformance with posted speed limits, 20 mph.

C. Vehicles shall be operated on roadways only and shall not be driven over banks or through ditches at the sides of roads, across common areas or into other owners' lots.

D. All vehicles and drivers thereof must be licensed and insured according to state law.

E. No all terrain vehicles (ATV's), off-road vehicle, motor-scooters, or any other motorized vehicle that cannot be licensed are permitted on the road or common areas, including the dams.

F. Noise emissions from vehicles shall be in conformance with ordinances of Warren County and laws of the Commonwealth of Virginia.

G. For safety reasons, skateboards and roller skates and scooters are not permitted on AML roadways.

H. Track vehicles may be driven in the development only for the construction or maintenance of roads. All heavy equipment for construction on lots is to be unloaded and loaded at the construction site. Any damage to roads by delivery or construction vehicles or equipment will be assessed to the property owner.

SECTION 6 SAFETY AND SECURITY

A. Upon request of any law enforcement officer, any person being within the development shall identify himself to said officer.

B. The discharge of any type of weapon is prohibited, with the exception being as only allowed by Warren County, Commonwealth or Virginia and Federal law to protect one's life or property.

C. Hunting is not permitted.

D. Trespassing is prohibited. This includes entry by unauthorized persons into the development, on any of the roads, or any of the common areas and amenities, and individual lots and buildings thereon. Members of the Board or their authorized representatives are allowed to enter individual lots in order to carry out their legitimate responsibilities for the association such as, but not limited to, inspection of construction, posting of violations, review of drainage problems, delivery of notices, investigation into violation of association rules with probable cause

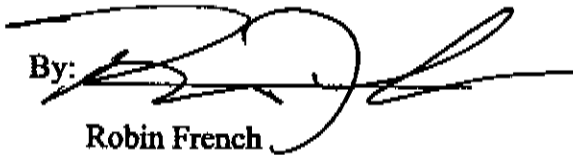
E. The discharge of fireworks is prohibited.

F. The Association will pay a reward of \$100 for information leading to the apprehension and conviction of any person or persons involved in any act of robbery, theft, or vandalism in the development.

AMENDED AND RATIFIED BY THE GENERAL MEMBERSHIP ON OCTOBER 18,
2009

Date: 10/30/09

Apple Mountain Lake Property Owners
Association

By: 

Robin French

President AMLPOA 2009

State of Virginia
County of Warren; to wit:

Subscribed and sworn to before me by Robin French
Apple Mountain Lake Property Owners Association, this 30th day of Oct. 2009.



Notary Public

My commission Expires: September 30, 2010

