

# Coolfont Mountainside Association

Berkeley Springs, West Virginia

## RULES AND REGULATIONS WE LIVE BY – THE CMA RESIDENTIAL STANDARDS

*The Coolfont Mountainside Association [CMA] is a recreational community of periodically occupied, privately owned, single residential cottages within a setting of permanent parks, natural wilderness, open spaces and common facilities existing for the benefit of every CMA member. Over the years the CMA has set out residential standards to protect and preserve the beauty and enhance the natural attraction of the peaceful mountainside forest in which this unique recreational community is located. The standards of greatest everyday importance are summarized here for ready reference by owners, tenants and their guests.*

*Every Mountainside resident benefits when these guidelines are universally respected and supported in practice by the entire Mountainside community. The CMA Board of Directors can initiate legal action if necessary to enforce CMA standards. Owners, tenants and their guests who do not conform to CMA regulations and procedures may be compelled to correct the problem created at their expense and/or provide restitution for certain activity (such as tree cutting) that did not receive prior approval.*

### I PRESERVATION AND CONSERVATION OF THE WOODLAND

*Owners, their guests and their tenants are asked to give high priority to preservation and enhancement of natural terrain and natural plant growth especially large and well preserved specimens, or exceptionally desirable species like dogwood, redbud and mountain laurel. In planting and replanting preference should be given to plant species native to the region. Invasive plant species that are foreign to the region should not be introduced.*

**Preservation and Use of Common Property:** Lands owned by CMA are held exclusively for the common enjoyment of CMA members. Such common land is maintained in a natural or wilderness state unless improved with recreational facilities, permanent parks, trails, open spaces and other common facilities approved by the Association. No other use is permitted.

**Tree Cutting is Restricted:** Owners may remove, top or trim trees located within 10 feet of their house without approval, however no other trees over six inches in diameter may be cut; topped or trimmed on any lot or on common ground without written CMA approval. Requests to remove dead, damaged or diseased trees, weed trees or trees leaning towards a house or which pose a danger to residences are reviewed promptly and approved routinely by CMA.

**Brush Fire Prevention:** Because the Mountainside is a prime area for brush fires during dry months year around, CMA became West Virginia's first certified **Firewise** Community. Residents should comply with the spirit and the recommendations of the **Firewise Program** of the West Virginia Division of Forestry. Residents are encouraged to clear leaves and burnable materials including firewood stacks within a distance of 30 feet of their residence as well as remove flammable materials stored under decks

**Exterior Fires:** Open fires in or on the ground are not permitted. Stand-alone exterior gas, wood and charcoal grills and fire receptacles are permitted if factory manufactured and maintained in good condition. Receptacles in disrepair must be replaced. Permanently installed stone or brick barbecues with chimneys and spark arrestors are permitted only with prior CMA approval and must be located safely away from Trees and shrubs.

## II RESPECT FOR PEACE AND QUIET

*Quiet, one of the Mountainside forest's most important natural assets, is essential to the peace and privacy CMA residents seek. Owners, tenants and their guests are asked to respect this natural resource.*

**Noise Restrictions:** Loud noise, barking dogs, the playing of music, radios, amplifiers, musical instruments, the noisy operation of vehicles, and machinery by owners, tenants and their guests at volumes sufficient to disturb a neighboring residence is not permitted. Strict observation of this rule is requested from 11:00 pm to 7:30 am.

**Construction and Tree Removal Noise Exceptions:** Loud construction work including, but not limited to, framing and carpentry, concrete pouring, paving, roofing, and, the operation of chain saws for cutting trees and firewood is permitted between 7:30 AM and 5:00 PM, Monday through Friday. Only construction activity of a quiet nature is permitted at other times and on weekends.

**Pets and Animals:** Dogs and cats must be properly cared for and kept indoors at night. Barking dogs are prohibited. When walked outside the residence dogs must be on leash at all times and may not roam or be chained outdoors. Other domestic animals are not permitted on the Mountainside.

**Exterior Lighting:** The light fixture source for any exterior lighting should not be visible from or infringe upon neighboring property. The use of floodlights should be minimized and their installation requires prior written CMA approval.

**Commercial Uses Prohibited:** CMA residences and lots and CMA common ground may not be used for public business purposes including retail and wholesale sales and services, industrial and commercial operations, commercial storage or warehousing, institutional and educational facilities, No advertising of any type is permitted on lots, CMA right- of-way or common ground except realty signs approved by the CMA.

**Hunting Prohibited:** All forms of hunting are prohibited on CMA property.

## III USE OF ROADS AND DRIVEWAYS

*All roads on the Mountainside are the private property of CMA intended for the exclusive use of members, tenants and guests. Proper vehicle operation is always required in accordance with West Virginia law.*

**Speed Limit on the Mountainside:** 15 miles per hour.

**Road Signs:** CMA installs and maintains directional and other road and safety signs on the CMA right-of-way. No other signs are permitted on Mountainside roads.

**Lot Signs:** Owners are responsible for installing house name, street number, and lot number signs, which should be located only at the entrance to individual driveways and must be visible to drivers of emergency vehicles. All signs should be of the same size, shape, font, and color as the CMA-installed signs and located only on pressure-treated posts, not on trees. Individualized lot name signs will however be permitted subject to prior CMA approval as are realty signs. No other signs are permitted.

**Roadway Parking Limitations:** Residents are asked not to park on the CMA roadways or common ground except in specified parking areas. In emergency (snow) conditions roadside parking may be necessary but residents are asked to park so as not to block access by emergency and/or snow removal vehicles.

**Driveways:** Driveways must be maintained in good passable condition and provide at least 12' horizontal clearance and 14' overhead clearance to permit access by emergency vehicles. Driveway drainage must be controlled so as to not discharge water runoff onto CMA roads or infringe on neighboring property. Driveways may be paved after written CMA permission is granted.

**Residential Parking:** Each residence may provide one parking space for each bedroom, or room readily used as a bed room; with a minimum of two and maximum of six parking spaces including parking spaces in carports or garages. Overnight parking of more than the permitted number of vehicles is not permitted. No vehicle larger than a step van may be parked on a lot.

**Trailers, Boats and Outside Storage:** Trailers, RVs, ATVs, truck campers, trailers and trailered boats are not permitted to be parked on residential lots, driveways or CMA common ground. Materials, tools, equipment etc may not be stored on lots, driveways or on common ground. Vehicles displaying advertising may only be parked in a garage or screened carport.

## IV EXTERIOR APPEARANCE OF RESIDENCES

*The individual properties at Coolfont must be maintained properly so as not to detract from the mountainside's scenic beauty. Members are urged to maintain their residence in good condition, their driveway well maintained and their lot neat and uncluttered*

**Garbage and Trash Containers:** These must be securely covered, "bear proof", enclosed, maintained in good condition and located so that they do not distract from the natural forest environment or are not unsightly from the road or neighboring property(s). The construction and replacement of trash container requires written CMA approval.

**Clothes Drying:** Outdoor clothes drying should be done only in screened areas, and not be visible from neighboring property or CMA roadways.

**Playground Equipment:** Playground equipment must be of colors consistent with CMA building standards.

**Antennas and Satellite Dishes:** The installation of antennas and satellite dishes requires CMA approval. These must be mounted in locations on the homeowner's property selected so as to minimize visibility from other CMA lots. Requests to install satellite dishes and antennas will be reviewed promptly and approved routinely by CMA.

## V EXTERIOR MAINTENANCE PROCEDURES

*All new building, All additions to existing cottages including, walls, exterior lighting installations, outdoor fireplaces, retaining walls, decks, porches, attached gazebos or other attached structures to be erected, replaced, repainted or modified requires the prior written CMA approval. Contact CMA for more information on the procedures involved.*

**Prior Written CMA Approval:** All exterior construction requires the submission for CMA approval of a written plan setting out the specifications, nature, kind, shape, height, materials, color and location of the same. Detailed information on CMA building standards and approval procedures can be obtained from the Association.

**Detached Structures:** Only a single structure, for residential use, is permitted on each lot. Second, detached, structures such as garages, sheds, tents etc. are not permitted. Fences are generally discouraged.

**Accessory Structures:** All accessory structures including decks, trash containers, firewood enclosures walls and privacy fencing, exterior air conditioners and antennas are subject to CMA prior approval.

**Construction Parking:** Temporary construction vehicles, such as dumpsters and mobile construction shelters for non-residential use are permitted with prior written CMA approval.

**Easement for Public Utilities:** A right-of-way six feet wide along the perimeter of each lot is reserved and for culverts, pipe lines, sewers, drains, water pipes, telephone lines, and electric conduits and is at all times open to the Association and public utilities serving CMA.