

Black Bear Falls Owners Association, Inc.

Violation Fee Schedule - New Construction Damage Deposit:

- Discharge of Fireworks is NOT ALLOWED - \$500.00 per incident
- Discharge of Firearms is NOT ALLOWED - \$500.00 per incident
- Nuisance Noise or Disruptive Behavior on BBF Property is NOT ALLOWED - \$250.00 per incident
- Non-Compliance with supplying owner information to Association yearly - \$50.00 first month. \$100.00 each subsequent month (owner information to be updated yearly or when a property changes ownership)
- Cabin Rental Agency Signage must be updated within 30 days of a change in an agency, new ownership, or a completed new build. Non Compliance - \$50.00 first month, \$100.00 each subsequent month.
- All trash must be kept in bear-resistant containers only. A violation fee for Non-Compliance, or any trash or litter not contained in the approved receptacle. \$100 per incident.
- Warning letters will be sent at the discretion of the Board of Directors.
- The Board of Directors reserves the right to ban rental agencies that allow habitual offenders of any of the above violations. The decision to ban is solely based on the discretion of the Black Bear Falls HOA Board of Directors.

BLACK BEAR FALLS RULES AND GUIDELINES

For the benefit and enjoyment of owners and guests of Black Bear Falls the following shall be adhered to by all owners and owners' rental agencies:

- Hot tub drains were installed to reduce erosion around the cabins and are to be used **every time** a hot tub is emptied
- Trash and other garbage **must** be placed in the bear proof bins provided for each cabin as required in Article IV, Section 6 of the Master Deed; no trash should be left on the decks, at the street or placed on top of the trash bin
- Any sign displayed on any lot shall conform to the restrictions in Article IV, Section 15 of the Master Deed as amended in April 2010
- Swimming Pool hours are 9:00a.m. - 11:00p.m. The Swimming Pool is for the use of owners and guests of Black Bear Falls only
- All vehicles shall be parked in the designated parking areas for each cabin. There shall be no parking on the streets, trailers may be parked at the pool area
- Overnight occupancy of any cabin is to be limited to no more than the stated limits of the rental agreement
- Pets must be on a leash at all times when outside of the unit
- No feeding of wild or stray animals
- There shall be **NO** hunting within Black Bear Falls. There shall be **NO** firearms and **NO** fireworks discharged within Black Bear Falls
- No riding of off-road vehicles within Black Bear Falls
- There shall be **NO** open fires on the property unless in an approved BBQ cooker/grill
- No loud or excessive noise
- All other items listed in the Master Deed Article IV (Covenants, Uses and Restrictions)

It shall be the responsibility of the owner to inform their rental agency or cabin caretaker of these issues. Owners will be notified of any violation.

Attention all Black Bear Falls Owners:

There have been a number of incidents recently regarding Overbooking of people in cabins, excess Cars jamming the streets and grass, and Loud Parties. The Gatlinburg Police had to be called three times over one weekend recently to shut down DJ Deck parties, Parties spilling onto the street with swearing, and Deck parties lasting to as late as 5 AM! Reports from other Guests with Families were very upsetting and disappointing. This is not a new issue, however, it has escalated to the point of damaging what Black Bear Falls is known for; a beautiful, peaceful, and tranquil stay. As a Premier Rental Resort Community we must not allow this to continue unchecked as it affects our Reviews and Repeat Guest visits for all owners.

The BOD/HOA is not in a position to monitor and manage your Cabin Rentals and Guests. This is 100% the Responsibility of the Cabin Owner and/or their Selected Rental Management Companies. The BOD/HOA does have the ability to Impose "Fines" and also ban Rental Agencies. This can be found below:

The BOD has the authority to impose rules, regulations, and fines.

- This can be found in Amendment No. 13. Under ARTICLE XII, "RULES AND REGULATIONS" The Board of directors is authorized and empowered to promulgate and adopt rules and regulations as set forth in Section 8.1 (a) above, Such rules and regulations shall be binding upon and enforced against all Unit owners, their families, tenants, guests, invitees, and occupants. The Association may enforce the collection of any imposed fines under the rules and regulations in the same manner as delinquent assessments, including lien rights as set forth herein.
- The BOD has the right to approve rental companies for the sole purpose of an owner renting their unit in BBF. This can be found under ARTICLE XIV, "APPOINTMENT OF RENTAL MANAGEMENT COMPANY BY OWNERS" Therefore, the Management Company referred to in ARTICLE XIII, above, shall investigate and select several rental management companies, as the "approved rental agents".

Therefore, be it known effective immediately;

- Cabin Occupancy Limits must be adhered to and acknowledged upon booking
- Quiet Time, as referenced below, must be adhered to and will be enforced
- Rental Agencies need to be briefed and you need to include the attached Rules and Regulations in all Signed Rental Agreements

Failure to adhere to the HOA Rules will result in "Fines" as assessed by the Board of Directors. These include but are not limited to City of Gatlinburg Police being called, overcrowding, excess cars parked on the grass. Common Sense will always be used by the BOD. The goal is to curb bad offenders while welcoming those who visit in a respectful manner. E.g. Weddings, Family Reunions – all those who behave respectably will be treated as such.

Therefore, the BOD has met and Approved these as well as some clarification on other Rules for all Owners.

BLACK BEAR FALLS - RULES AND REGULATIONS

Please ensure your Rental Agency adds and includes this wording **in your Rental Agreements:**

1. **Quiet Time: 10:00 PM to 8:00 AM.** Loud Parties, Large Gatherings, Exceeding Maximum Occupancy will **NOT BE ALLOWED** in Black Bear Falls Resort and will be Strictly Enforced by the HOA and the City of Gatlinburg Police. After 11:00 PM all guests need to refrain from loud outside Deck activities and behave in a responsible manner in consideration of all Families and Guests staying at the Resort. This is a 100 Cabin Resort and sound travels easily in the Mountains.
2. **No RV's, Travel Trailers, Campers, 5th Wheels** are allowed inside of Black Bear Falls Resort. Parking is strictly prohibited and will be enforced by Towing.
3. **Pet Friendly Cabins:** If you are advertising as a "Pet Friendly" Cabin please be advised that the following City Ordinance must be strictly adhered to for guest health and safety. Most importantly, **Pick up after your Dog!** Doggie bag stations are located throughout the property for guest convenience. Black Bear Falls Resort is in the City of Gatlinburg and failure to adhere to these ordinances will result in a \$500 fine for each occurrence.
4. **Fireworks:** As per Gatlinburg City Ordinance (attached) the use of Fireworks in Black Bear Falls is Strictly Prohibited and will result in a \$500 fine for each offense.
5. **Cabin Rental Signs:** Please advise your Rental Agency that Black Bear Falls Resort has approved Rental Sign bylaws which outline what type of signs, appearance, colors can be used to advertise for Cabin Rentals. Many signs have come into Black Bear Falls and have had to be removed as they do not follow our Sign Bylaws.
6. **Fire Pits and Charcoal BBQ Grilling:** Open Fire Pits are not allowed in Black Bear Falls Resort. Charcoal Grilling is not allowed on Cabin Decks as it is an extreme fire hazard. Charcoal Grills are located away from the Cabins for this very reason.
7. **Drones:** For the safety and serenity of all Guests, Drones and other unmanned aircraft shall not be operated within the boundaries of Black Bear Falls Resort by Guests/Renters. Cabin Owners are allowed use specifically for Cabin Marketing or Sale purposes only.

City of Gatlinburg Pet Ordinance

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1976 Code, § 3-202)

10-203. Running at large prohibited. 1 It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1976 Code, § 3-203)

10-208. Penalties. Any person violating any of the provisions of this chapter, shall upon conviction thereof, be subject to a civil penalty of up to five hundred dollars (\$500.00) for each and every offense. (1976 Code, § 3-208, modified)

10-209. Unlawful for dogs to defecate upon public streets and sidewalks and in public parks. It shall be unlawful for dogs to defecate on the public streets and sidewalks and in public parks in the City of Gatlinburg. The owner, or any person having the care, custody or control (if not the owner) of any dog that violates this chapter shall be liable to a fine as provided in § 10-208 of this chapter. There shall be a presumption that any dog bearing an identification tag is owned and controlled by the person whose name appears on such tag. It is further presumed that any person having the care, custody or control of any dog violating this chapter is the owner of said dog if the dog has no identification. (1976 Code, § 3-209)

City of Gatlinburg Fireworks Ordinance

(1) "Person" shall mean an individual, a firm, a corporation, or any other entity. As used herein, person shall include not only the person who physically performs any act prohibited by this chapter, but also any person who encourages, participates in, or knowingly allows any such prohibited act.

(2) "Fireworks" shall include all articles of fireworks included in the definition of special fireworks of I.C.C. Class C common fireworks as contained in Tennessee Code Annotated, title 68, chapter 104, including, without limitation, the permissible terms of fireworks listed in Tennessee Code Annotated, § 68-104-108, sparklers, smoke bombs, and smoke sticks. The term shall not include items specifically excepted from the application of said Tennessee Code Annotated, § 68-104-113, or fireworks for public displays authorized by special permits obtained pursuant to the provisions of Tennessee Code Annotated, § 68-104-107.

(3) "Public place" shall mean any place open to the general public or any substantial part of the general public, including without limitation, public streets, public sidewalks, parking lots, parks, playgrounds, athletic fields, hotels, motels, indoor and outdoor swimming pools open to the public or to business guests or patrons, schools, churches, museums, auditoriums, public buildings, theaters, indoor and outdoor moving picture establishments, taxis and other public conveyances, offices, stores, banks, craft shops, shopping centers, amusement places, recreational centers, restaurants, cafeterias, eating places, utility properties, automobile service stations, and manufacturing, commercial, professional and recreational businesses of all kinds, together with all property appurtenant thereto or used in connection therewith. (1976 Code, § 7-401, modified)

7-502. Unlawful use. It shall be unlawful for any person to use any fireworks in any public place in the City of Gatlinburg. (1976 Code, § 7-402, modified)

7-8

7-503. Public nuisances. The activities made unlawful by this chapter be and the same are hereby declared to be public nuisances, which shall be subject to abatement by any and all remedies available generally for the abatement of public nuisances. (1976 Code, § 7-403)

7-504. Penalty. Any person guilty of the violation of any of the provisions of this chapter shall be subject to a civil penalty of up to five hundred dollars (\$500.00) per offense. (1976 Code, § 7-404, modified)

7-505. Penalty not exclusive. The prohibitions contained in this chapter shall be in addition and supplemental to the prohibitions contained in any existing ordinances of the City of Gatlinburg, and shall in no manner repeal, modify or interfere with the prohibitions contained in any such existing ordinances. (1976 Code, § 7-405)

Rental Sign Bylaws

This instrument prepared by
and when recorded return to:
Richard S. Matlock, Esq.
WOOLF, McCLANE, BRIGHT,
ALLEN & CARPENTER, PLLC
Post Office Box 900
Knoxville, Tennessee 37901-0900
(865) 215-1000

BK/PG: 3524/62-68	
10014803	
7 PGS. AMENDED MASTER DEED	
04/09/2010 - 10:38 AM	
LOG BATCH 369411	VALUE 0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	35.00
ARCHIVE FEE	0.00
CD FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	37.00
STATE OF TENNESSEE, SEVIER COUNTY	
SHERRY ROBERTSON HUSKEY	
REGISTER OF DEEDS	

FIRST AMENDMENT TO MASTER DEED OF BLACK BEAR FALLS

THIS FIRST AMENDMENT to the Master Deed is made this 5th day of April, 2010, pursuant to Article XVI, Section 2 of the Master Deed of Black Bear Falls of record at Book 1183, Page 126, in the Register's Office for Sevier County, Tennessee, for the purposes set forth below:

WITNESSETH:

WHEREAS, Article XVI, Section 2 of the Master Deed of Black Bear Falls provides that the Master Deed may be amended upon approval by not less than seventy-five percent (75%) of the votes of the entire membership of the Black Bear Falls Owners Association, Inc. (the "Association"); and

WHEREAS, the members of the Association voted to make certain changes in the Master Deed, by more than seventy-five percent (75%) of the entire membership, in person or by proxy or ballot, at the annual meeting of the Association held on February 20, 2010, pursuant to notice sent January 15, 2010 to members of the Association,

NOW, THEREFORE, pursuant to such vote, the Master Deed is hereby amended as follows:

1. Article IV, Section 15, is amended by striking the contents thereof in their entirety and replacing same with the following:

Sign Restrictions: No sign of any kind shall be displayed to public view on any Lot except one (1) "for sale" sign may be placed in front of any Unit, but such sign shall not exceed 2 square feet in size. Rental Unit Identification signs shall substantially conform to the signage prototype approved at the annual meeting on February 20, 2010, a copy of such prototype is attached to this amendment as Exhibit "C". No other signs will be allowed to be placed on either the Common Elements, Lots, or other property of the Association, including signs hung from lamp posts or attached fencing, except such signage approved by the Association. Any Unit Owner renting a Unit through Vacation Rental By Owner as of April 15, 2010, shall be allowed to keep such Unit Owner's existing sign as long as the Unit continues to be rented through Vacation Rental By Owner; however, if such Unit is subsequently rented through a rental management

467173.1

EXHIBIT "C"
 To First Amendment to Master Deed of Black Bear Falls
 [Approved Signage]



**Black Bear Falls
 Log Home Community**

Name Of Your Cabin

www.blackbearfalls.com

Rental Agency: Unit # (if applicable)
 Name of Rental Company Here
www.nameofrentalcompanywebsite.com
 865-000-0000

296099x.1 002/83501

BK/PG: 3532799-809
10017548

TYPE	DESCRIPTION	AMOUNT
1421	2010 - 09-00 AM	0.00
1501	STATE TAX	0.00
1502	SALES TAX	0.00
1503	PER TAX	0.00
1504	REGISTRATION FEE	50.00
1505	SALES FEE	0.00
1506	STATE FEE	0.00
1507	TOTAL AMOUNT	50.00

STATE OF TENNESSEE, BEAR COUNTY



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