

TALKING ROCK CREEK RESORT ASSOCIATION  
(TRCRA)

# **RULES AND REGULATIONS**

HOA OFFICE:  
222 TALKING ROCK CREEK DRIVE  
CHATSWORTH, GEORGIA 30705

APPROVED BY:  
TRCRA BOARD OF DIRECTORS  
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## TABLE OF CONTENTS

ARTICLE 1 – PROPERTY REGULATIONS	PAGE
Section 1 - Pet and other Animals.....	4
Section 2 - Outside Burning.....	4
Section 3 - Discharge of Firearms .....	4
Section 4 - Camping.....	4
Section 5 - Disposal of Garbage and Trash .....	5
 ARTICLE II – PROPERTY MAINTENANCE AND CONSTRUCTION REGULATIONS	
Section 1- Lots, Yards, Grounds and Landscaping.....	5
Section 2- Culverts.....	5
Section 3- Lot Identification .....	6
Section 4- Construction Permits .....	6
Section 5- Use of Explosives .....	6
Section 6- Site Preparation/Construction Guidelines .....	6
Section 7- Contractor & Building Materials Delivery Vehicles.....	6
 ARTICLE III- VEHICLE PARKING REGULATIONS	
Section 1- Parking of Vehicles Other than RVs .....	7
(A) Private Property .....	7
(B) Junk Vehicles.....	7
(C) Parking on Roadway Rights of Way and in Parking Lots .....	7
Section 2- Parking of RVs on Residential Lots .....	7
 ARTICLE IV – GATE REGULATIONS	
Section 1- TRCRA Property Owner Vehicles .....	8
Section 2- Owners, Guest, Visitors, and Service Personnel .....	8
Section 3- Contractors and Building Materials Delivery Vehicles.....	8
Section 4- Improper Gate Entry .....	8
Section 5- Entering TRCRA Property Other than through Gate .....	8
Section 6- Gate Cards for Owners .....	9
 ARTICLE V – VEHICLES MOVING VIOLATIONS	
Section 1- Traffic Violations .....	9
Section 2- Repeat Violator.....	9
 ARTICLE VI – USE OF COMMON PROPERTY	
Section 1- Use of Amenities .....	9
 ARTICLE VII – ENFORCEMENT	
Section 1- Assessments (Specific Assessment) .....	10
Section 2- Self-help.....	10
Section 3 – Use of Amenities.....	10

## ARTICLE VIII – HEARINGS AND APPEALS

Section 1- Hearings.....	10
Section 2- Appeals .....	10

## ARTICLE IX – MISCELLANEOUS

Section 1- Adoption of Rules.....	11
Section 2- Assessments.....	11
Section 3- Violation Assessment Schedule.....	12
Section 4- Assessment on Replatted Lots.....	13
Section 5- Standard Payment Plan for Owners with Delinquent Accounts...	13
Section 6- Animal Control .....	14
Section 7- Solicitation of Property.....	14
Section 8- Alcohol and Illegal Drugs.....	14
Section 9- Mailboxes .....	14
Section 10- ATV, Golf Carts 3 & 4 Wheels .....	14

## **PREFACE**

THE ABBREVIATIONS TRCRA ARE SUBSTITUTED FOR TALKING ROCK CREEK RESORT ASSOCIATION. THE ABBREVIATION HOA IS SUBSTITUTED FOR THE HOMEOWNER'S ASSOCIATION OFFICE. THESE RULES AND REGULATIONS ARE INTENDED TO AID ALL PROPERTY OWNERS IN DETERMINING THE PROPER CONDUCT OF ALL PARTIES WITHIN TRCRA ON A DAILY BASIS. THESE RULES AND REGULATIONS ARE NOT INTENDED TO REPLACE, NOR ARE THEY IN EXCESS OF, THE ESTABLISHED COVENANTS AND RESTRICTIONS WHICH ARE COMMON TO EACH PARTICULAR LOT. IT IS THE RESPONSIBILITY OF EACH PROPERTY OWNER TO KNOW WHAT THE PROPERTY COVENANTS AND RESTRICTIONS ARE AND TO ADHERE TO THEM.

## **ARTICLE I**

### **PROPERTY REGULATIONS**

#### **Section 1 – Pets and Other Animals**

Only domesticated animals are permitted as pets; all pets are restricted to the owner's property or must be leashed when in a permitted common area. Violators are subject to an assessment and/or legal action. Pets straying off owner's property, disturbing the peace, threatening other animals or residents, or damaging private and/or common property shall be immediately impounded at the owner's expense. Only Public Safety/Animal Control personnel shall impound pets and animals. (See article IX, section 6)

In accordance with Georgia State Law and County Ordinances, domestic animals, not under control or on owner's property, may be picked up by the county animal control. If an animal is involved in a bite case, the county sheriff's Department, animal control and the County Health Department will need to be notified.

#### **Section 2 – Outside Burning**

Outside burning is prohibited by TRCRA, and violation is subject to a TRCRA fine. This does not apply to grills or small contained recreational enclosures operated with safety protocols in place.

#### **Section 3 – Discharge of firearms**

TRCRA recognizes all Members' rights to legal self-defense. Firearms, including crossbows, shall not be discharged in TRCRA properties except for protection against grave, imminent danger, including from venomous snakes and other unsafe wildlife. No hunting or trapping of any kind is allowed. Violators are subject to assessment for each incident.

#### **Section 4 – Camping**

A. RV Camping is not permitted on any Residential Lot.  
See Article III, Section 2, for regulations regarding Parking of RVs.

B. Tent camping is not permitted on residential lots or common area.

### **Section 5 – Disposal of Garbage and Trash (No littering allowed) - Updated**

Household garbage shall be placed in sealed plastic bags and placed in the dumpsters designated for household garbage only. Other trash, including construction material, furniture, etc. must be taken to a landfill. No hazardous material, i.e., paint cans, batteries, tires, oil, chemicals, tube TVs, appliances, etc., of any kind shall be placed in any TRCRA dumpsters. This is considered Improper Use and Illegal Dumping. Violators are subject to an assessment.

Property owners will be held responsible if contractors in their employ attempt to dispose of construction materials at dumpsters or compactor. Contractors in violation of this rule may be banned from doing further work in the community. Fines will be levied in accordance with the violation assessment schedule. In addition, the Board may pursue criminal charges of "littering" to be filed after the third offense by an individual.

No materials may be deposited into a TRCRA dumpster by a nonmember, except for member guests, or renters. Such "illegal dumping" will be criminally pursued as trespassing and illegal dumping.

## **ARTICLE II**

### **PROPERTY MAINTENANCE AND CONSTRUCTION REGULATIONS**

#### **Section 1 – Lots, Yards, Grounds and Landscaping**

Property owners are responsible for keeping their lots in a natural and attractive condition. Improved lots shall be kept weeded, trimmed and free of erosion and debris.

#### **Section 2 – Culverts**

TRCRA reserves the right to determine the type, length, diameter, location, and amount and type of gravel or stone used for all culverts to be installed in or adjacent to TRCRA right-of-ways before they are installed. No culvert shall be less than 18" in diameter and property owners are required to purchase and arrange for culvert delivery at least 10 days before installation can be scheduled.

If desired, TRCRA will furnish and install the correct culvert using the following fee schedule:

\*18" diameter pipe, 20 feet in length, 3 tons of gravel = \$2500

\*18" diameter pipe up to 40' in length, 3 tons of gravel = \$3500

\*Additional gravel = \$100 per ton.

\*Prices are subject to change based on current market costs.

### **Section 3 – Lot Identification –**

All improved lots are required to display the E 911 address, which is your street address number. These numbers are issued by the E 911/ County Authority and by TRCRA respectively. Gordon County residents can order a house marker from the Fire Department by calling 706-629-8851.

### **Section 4 – TRCRA Construction Permits**

TRCRA construction permits must be obtained from the TRCRA Architectural Review Committee through the TRCRA office or the [talkingrockcreekproperties.com](http://talkingrockcreekproperties.com) website before any new construction activities are started or before any modifications to existing structures which affect the exterior appearance or involve land disturbances are started. For this purpose, construction activities include but are not limited to:

- Cutting of live trees
- Grading or disturbing land area of any type totaling more than 500 square feet
- Installing driveways and /or culverts
- Modifying or altering any existing improvements
- Placing any type of building materials, fencing, out building, pet pens visible from lot boundaries

Check with the TRCRA HOA Office for any questions regarding permits. Failure to obtain and comply with a construction permit could result in an assessment. County building permits must be posted on the lot and must be visible from the roadway.

### **Section 5 – Use of Explosives**

In regard to blasting inside of TRCRA property – all owners or contractors inside the resort must have a permit from the Hazardous Materials Division of the State Fire Marshal’s office as well as any other county or local permits required. The necessary permits must be submitted to the Architectural Review Committee for final approval. Once permitted, the TRCRA office must be notified 24 hours BEFORE blasting is initiated.

### **Section 6 – Site Preparation / Construction Guidelines**

In order to comply with Gordon, Murray or Gilmer County Regulations & Construction guidelines outlined in Sections 2 and 4, a valid County Construction Permit & building plans must be provided to TRCRA for approval prior to any site preparations/construction or any other construction activity on your lot.

### **Section 7 – Contractors & Building Materials Delivery Vehicles**

See article IV Gate Regulations, Section 3.

## ARTICLE III

### PARKING REGULATIONS

#### Section 1 – Parking of Vehicles Other Than RVs

##### A. Private Property

Vehicles shall be parked only on driveways and parking areas. Arrangements for special parking shall be obtained for special occasions from the TRCRA Office.

##### B. Junk Vehicles

No junk vehicles or stored vehicles shall be parked outside a closed garage. For purposes of this regulation, junk vehicles and stored vehicles are vehicles in any one or more of the following categories:

- \* Not fully operational (i.e., flat tires, no engine, etc.)
- \* Various stages of repair more than thirty days.
- \* Not currently licensed for operation on State or Federal highways and no current tags displayed.

##### C. Parking on Roadway Right-of-way and in Parking Lots

Vehicles temporarily parked on roadway rights-of-way must not impede traffic, cause a safety hazard, damage the shoulder, or damage the shoulder planting. If a vehicle is parked on the road and blocking traffic, a property owner will be subject to any vehicle towing expense for himself or his guest.

#### Section 2 - Parking of RVs and Boats

For purposes of these rules and regulations, Recreational Vehicles (RVs) include but are not limited to motor homes, travel trailers, 5<sup>th</sup> wheel trailers and pick-up truck campers (both on and off the truck). Boats include boats, trailers, and personal watercraft.

##### Residential Lots:

1. RVs shall not be parked on a residential lot unless a house structure is on the lot. An RV may NOT be used as a permanent living quarter at any time. Violators will be assessed. Boats may be parked on a residential lot with a house structure.
2. Owners of building lots with a completed residence may park their RV or boat in the TRCRA storage lot for the current fee if space is available. RVs may be parked at a residence but may NOT be used as living quarters.
3. RV generators are not to be operated if they constitute an annoyance or nuisance to the neighborhood.

## **ARTICLE IV**

### **GATE REGULATIONS**

#### **Section 1 -TRCRA Property Owners Vehicles**

In order to use the automatic gates, owners must obtain gate entry cards or key fobs from the TRCRA office. Portable entry devices will not be made available and will be deactivated for owners in arrears on TRCRA accounts. There is a lease charge for replacement or duplicate cards. Card shall not be loaned or given to non-family members of property owners.

Violators will be subject to revocation of the card. Homeowners must contact the TRCRA office for temporary access codes for short term renters. Under no circumstances will owners allow non-members to use their access cards, key fobs, or transponders for gate access. Property ownership in TRCRA includes the right to access owned property using roads belonging to TRCRA. Access for owners to the property shall be through the three gates only.

#### **Section 2 – Owners’ Guests, Visitors, Short-Term Renters, and Service Personnel**

Owners must inform their guests on the use of the gates, as well as all TRCRA rules and regulations.

#### **Section 3 – Contractors and Building Material Delivery Vehicles**

No construction contractor or suppliers’ vehicles will be admitted through the gates unless applicable ARC permission has been obtained by the property owner involved. The vehicle driver must then contact the property owner for permission to enter. Violations are subject to an assessment and/or deactivation of property owners’ portable access devices.

#### **Section 4 – Improper Gate Entry**

Any property owner, guest or other vehicle operator entering or exiting a gate in an improper manner or damaging a gate or gate equipment will be charged with illegal entry and subject to an assessment and/or cost to repair damages, and/or revocation of gate entry cards. Entering a gate in an improper manner includes but is not limited to failure to obtain permission from TRCRA or a property owner, tailgating or otherwise entering an automatic gate without using a card or gate entry call box in the prescribed manner, driving or taking a vehicle around a gate, or entering an exit gateway.

#### **Section 5 – Entering TRCRA Property Other Than Through a Gate**

No vehicle, including four wheelers or side by sides, shall enter the TRCRA except through an official entrance gate, unless otherwise authorized by the TRCRA office. This includes vehicles of the property owners (and their family and guests’ vehicles) whose property borders both TRCRA and NON-TRCRA land. Lot owners shall not permit any person to access TRCRA common area through their lots unless permitted to do so by the TRCRA office.



**Section 6 – Gate Cards for Owners**

Owners shall be charged reasonable fees for each card, clicker, or other device used for gate entry. Replacements and/or additional devices will be available for purchase at an additional per-device fee.

**ARTICLE V****VEHICLE MOVING VIOLATIONS**

**THE SPEED LIMIT IN THE RESORT IS 15 MPH UNLESS OTHERWISE POSTED.  
ANY VIOLATORS WILL BE ASSESSED A FINE.**

**Section 1 – Traffic Violations**

Any vehicle operator, and/or the property owner responsible for admission of that operator shall operate that vehicle in a safe manner as required by any Georgia Motor Vehicle Statute. Violations will be addressed as appropriate.

**Section 2 – Repeat Violators**

Repeat Violators are defined as one who has been warned and assessed in excess of two violations in a twelve –month period. Excessive violators (anyone with more than three violations) will have their driving privileges restricted in the resort.

**ARTICLE VI****USE OF COMMON PROPERTY****Section 1 - Use of Amenities**

The common property and amenities are available for use by all property owners in good standing. The property owner is responsible for the conduct of all family members and personal guests/visitors. The owner's immediate family members (including minors) and guests (accompanied by the owner) may also use the amenities subject to the Rules and Regulations posted at each of the amenities. Violations of the posted Rules and Regulations will subject the violator and/or the property owner to assessments and/or suspension of the use of the amenities.

Eight guests per lot are the limit at certain amenities. An owner with more than eight guests must check with the TRCRA office before planning a visit to an amenity.

## **Section 2 – Roadways/Cul-de-Sacs**

Roadways and cul-de-sacs are common property. Intentionally blocking a roadway or cul-de-sac or placing objects in a roadway or cul-de-sac to impede traffic will result in a fine.

## **ARTICLE VII**

### **ENFORCEMENT**

#### **Section 1 – Assessments (Specific Assessments)**

Except where indicated otherwise in the Covenants, the TRCRA By-Law's Rules and Regulations, the Board of Directors of the TRCRA are authorized to set assessments for violation of these Rules and Regulations for commons areas. Assessments not paid within thirty days after notification of the amount due shall accrue interest at the rate as stated in the CCR's. Unpaid assessments will result in liens against the property; liens may be foreclosed at the discretion of the TRCRA Board of Directors.

#### **Section 2 – Self Help**

Any violator of Article II, III and X, Section 1 of these Rules and Regulations not corrected within thirty days after the property owner has been notified, or within thirty days after any appeal has been denied, shall result in the TRCRA using Self-Help to have the violation corrected and assessing the property owner for all direct and indirect cost of such Self-Help action.

#### **Section 3 – Use of Amenities**

The use of all amenities by property owners who have delinquent accounts will be suspended until such accounts are paid in full.

## **ARTICLE VIII**

### **HEARINGS AND APPEALS**

#### **Section 1 – Hearings**

Any property owner charged with violation(s) of these Rules and Regulations may request a hearing of the charges as set forth in TRCRA By-Laws with an appointed representative of the Board.

#### **Section 2 – Appeals**

Any property owner not satisfied with the results of the hearing may, within thirty days after the hearing, submit a written request for an appeal before the TRCRA Board of Directors as set forth in TRCRA By-Laws.

## **ARTICLE IX**

### **MISCELLANEOUS**

#### **Section 1 – Adoption of Rules**

**A. Board of Directors.**

The Board of Directors of TRCRA shall adopt rules as deemed appropriate by which the operations of the Association shall be conducted and the relationships of the Association with owners and other persons and groups shall be maintained. The Board has the power and duty to make, amend, and enforce Rules and Regulations for the Association (By-Laws, Article III-C, Section 17, letters e and i).

**B. Rule Proposal from association property owner(s).**

A rule alteration, addition or deletion may be proposed by any Association property owner. Recommendations for the rule changes shall be submitted in writing to the president of the Board of Directors. If the rule proposal is considered to be an appropriate course of action for the Association after preliminary consideration, the rule shall be prepared in the format appropriate for the Board Policy Manual and submitted to the Board for a first reading during the public session of the Board meeting.

If the rule proposal is approved for consideration, a public hearing for property owners will be set a minimum of two weeks after the first reading. Additional modifications may be made in the rule proposal in accordance with responses to the rule proposal from property owners and Board Members to the President of the Board. The final wording of the rule proposal shall be submitted to the Board of Directors at the first meeting following the public hearing. Once the Board of Directors approves the final wording of the rule proposal, it shall become a part of the official Rules and Regulations of TRCRA immediately unless otherwise stated in the rule.

Adoption by the Board of Directors of a new or revised rule officially repeals all other rule and executive memorandums or parts thereof, which are inconsistent with the most recently, adopted rule.

In emergency situations the Board of Directors may elect to consider and adopt a rule proposal at the meeting of its first reading. In order for this action to take place the Board of Directors must, by a majority of the vote, suspend the above stated rule prior to taking a vote on the rule proposal. A suspension of the above rule for immediate vote on a rule proposal shall in no way change the application of the above rule in the adoption of other rule changes.

#### **Section 2 – Assessments**

Except where indicated otherwise in the Rules and Regulations, the TRCRA By-Laws or applicable Covenants, the Board of Directors of TRCRA is authorized to set assessments for

violations of Rules and Regulations. Assessments not paid within thirty days after notification of the amount due shall accrue interest at the rate per the CCR's.

### Section 3 – Violation Assessment Schedule

DESCRIPTION	1 <sup>ST</sup> OFFENSE	2 <sup>ND</sup> OFFENSE	INCREASE PER OFFENSE	REMARKS
Animals/Pets Off Leash/Nuisance (See Article IX Sect 7)	Warning	\$100	\$100	Fines, Animal Control
Outside Burning (See Article I, Sect 2)	\$100	\$200	\$100	Strictly Prohibited
Discharge of Firearms (See Article1, Sect.3)	\$100	\$200	\$100	Strictly Prohibited
Hunting/Trapping (See Article 1, Sect.3)	\$100	\$100	\$100	Strictly Prohibited
Tent Camping on Unimproved Lot/Common Area	Warning	\$100	\$100	Law Enforcement
Improper/Illegal Disposal of Trash in or near Dumpsters or Compactor	\$100	\$200	\$100	Fines, Loss of Use
Metal Track Construction Equipment	\$100	\$100	\$100	Plus Damages
Lots, Yard, Ground & Landscaping, Junk	Warning	\$50	\$50	Fines, Code Enforcement
Noise Ordinance	Warning	\$50	\$50	Police Report
Parking of Junk Vehicles & Stored or Disabled Vehicles	Warning	\$50	\$50	Fines, Code Enforcement
Construction Equipment Abandoned or Inoperable	Warning	\$50	\$50	Towing Cost
Common area Parking Lot Overnight	Warning	\$50	\$50	Towing Cost
Parking of RVs in Common Areas	Warning	\$50	\$50	Towing Cost
Contractor & Building Material Delivery Vehicles Blocking Roadway	Warning	\$50	\$50	Revocation of Gate Card/Code
Alcohol/Drugs at Pools or in Common Areas	\$100	\$100	\$100	Law Enforcement
Solicitation	Warning	\$50	\$50	Law Enforcement
Improper Gate Entry	Warning	\$50	\$50	Law Enforcement
Entering TRCRA other than through Gates	Warning	\$100	\$100	Damages
Traffic Violations	Warning	\$50	\$50	Law Enforcement
Violation of Amenities Rules	Warning	\$50	\$50	Loss of Use
Destruction of TRCRA Common Property	\$100	\$100	\$100	Cost of Repairs, Fines
Failure to Obtain and/or Comply with ARC Permissions	\$100	\$200	\$200	Fines, Damages Other Fees May Apply per Violation

#### **Section 4 – Combining of Lots for Assessment Purposes**

In order to change two [2], but not more than four [4] contiguous lots into one lot for assessment purposes, the lots' plats need to be revised to show the combined lots as one lot. For lots to be considered contiguous they must share at least 40 linear feet of common boundary. The combination of lots must be resurveyed by a licensed surveyor and a new plat created. The newly created single lot numbering needs to be designated with an appending 'R' to indicate replatting, (e.g., 126R for a combination of lots 126, 127 and 472).

Secondly, the new plat needs to be recorded with the county land records department at the relevant county's Superior Court Clerk Office. Once the recorded replat document is submitted to the Homeowner Association Office, the Association will charge only one annual assessment per lot for the first two combined lots. Additional lots will be assessed at one-half of the annual assessment for a lot. If the replat document is not submitted to the Association before December 1, the lot(s) owner will be charged an assessment for each of the original lots.

Replat documents must be submitted to the Homeowner Association office not later than November 30th of the year preceding the Annual Dues assessment. Any replatting completed during the year will take affect the following year. Once annual dues are assessed for the year, they will not be prorated.

Only one house structure can be built on a single lot whether it is an original lot or a replatted combination of lots.

From the date of this change, NO combination of lots can exceed 4 original lots as platted by the developers of what is now Talking Rock Creek Resort Association, Inc.

Combined lots can be divided again, but must be resurveyed back to the original lots, and the recorded replats must be submitted to the HOA office. If construction or other factors might require a variation from the original lots, the Architectural Review Committee will need to approve any such variation. "Uncombined" lots will again be assessed full dues in the year following the change back to the original lots.

#### **Section 5 – Standard Payment for Owners with Delinquent Accounts**

Owners whose assessments are delinquent may be approved by the TRCRA Board for a standard payment plan to make their accounts current as follows:

- A. A minimum of fifty percent of the total delinquent account including interest must be made by the owner, unless otherwise approved, as the first offering for establishing the payment plan to make the account current.
- B. The remaining amount owed, plus continuing interest, must be paid by the Owner in a maximum of four monthly payments, each being equal to or exceeding twenty-five percent of the balance remaining after the initial payment to establish the plan.

C. Failure by an owner with a delinquent account to arrange for a standard payment plan or to follow the plan once established will result in action against the owner in accordance with TRCRA By-Laws.

D. Documented hardship cases will be submitted to the TRCRA Board for special consideration.

#### **Section 6 – Solicitation\***

- Solicitation of property owners or employees, either on a door-to-door or personal basis, by an organization or individual coming onto the property shall be prohibited unless approved by the TRCRA Management.
- Solicitation of sales or contributions by owners in common areas must be approved in advance by the TRCRA management. Solicitation sponsored by the Association shall not be subject to this rule.

**\*Solicitation includes all aspects of the sales process up to and including the delivery of products or services.**

#### **Section 7 – Alcohol and Illegal Drugs**

No alcohol or illegal drugs shall be consumed or possessed by anyone while on common areas. This prohibition shall not apply to the transporting of legally acquired alcoholic beverages on the roads of the Association.

#### **Section 8 - Mailboxes**

1. House owners may register for one mailbox and key at the current fee per box. Mailboxes are available on a first come first serve basis.
2. Box holders will be responsible for keys. Lost, replacement or additional keys will be charged for each key. This replacement cost will apply to all current and newly issued box holders.
3. TRCRA office must be notified of any key loss or damage to your mailbox.
4. If during the use period, a property owner requests that the lock be changed, the property owner is responsible for the cost.
5. TRCRA will issue boxes and keep a copy of all keys in the HOA office.
6. TRCRA will verify through the local postmaster annually which boxes, if any, have been abandoned or are no longer in use.

#### **Section 9 - ATV, Golf Carts, 4-Wheelers**

1. ATV, golf carts, and 4-wheelers must be operated by a licensed driver on all TRCRA roads.
2. Helmets must be worn by everyone riding one of the above, except golf carts, where a helmet is not required by Georgia law. Drivers are expected to operate all vehicles in a safe manner as required by Georgia Motor Vehicle Statutes.
3. If any of the above listed are driven at night or during inclement weather, then they shall be required to have working lights: headlight, taillights, and brake lights. None of the above shall be ridden on private property without the permission of the property owner. Violators will be assessed.
4. All ATV, golf carts, and 4-wheelers must be registered with the TRCRA office.

