

# **RULES AND REGULATIONS OF THE ARCHITECTURAL CONTROL COMMITTEE OF TOWAMENSING TRAILS PROPERTY OWNERS ASSOCIATION**

**Property Owners are responsible for any and all fines, violations, etc. which may be incurred by their contractors, sub-contractors, etc.**

**All new applications submitted for consideration after the adopted and approved date below must abide by the revised rules and regulations.**

**No building, excavation, dock, bulkhead, exterior remodeling, alteration of any structure, fence or additional structure shall commence without first obtaining written approval by the ACC, as evidenced by a PERMIT, as to location, elevation above existing grade, additional grading proposed, setbacks from property lines, construction materials, quality of workmanship, harmony of external design with surroundings and conformation to Township and other building codes.**

## **ALL OUTSIDE IMPROVEMENTS AND REPAIRS TO YOUR HOME REQUIRE A PERMIT.**

Revision Approved and Adopted  
By Towamensing Trails Property Owners Association  
Board of Directors on 10/12/2011  
Effective for all permits submitted after 01/01/2012

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## I. INTRODUCTION

All Property Owners benefit from the planning and design that have been an important part of the development of Towamensing Trails.

The intent of the Covenants is to ensure Property Owners that certain standards of construction design and quality will be uniformly maintained throughout the subdivision. This preserves property values, enhances the community's overall environment, and protects adjoining Property Owners from damage due to unregulated construction.

No provisions of these rules of the Covenants shall be construed so as to conflict with any Pennsylvania or other applicable Municipal Building or Environmental Laws, Rules or Regulations. The requirements of these regulations or the Covenants may be more restrictive than those of any municipal law, rule or regulation. When the requirements of this code extend beyond those of the State Laws, this code shall prevail.

All Property within a subdivision is subject to certain Protective Covenants. These Covenants are a binding agreement between the Property Owners and the Association limiting use and construction on the property.

Every Property Owner should have received a copy of the Protective Covenants when the land was purchased in Towamensing Trails. However, sometimes this information was passed over or not carefully read by the Property Owner. Since the Covenants "run with the land" they are binding on all Property Owners and should be fully understood.

These controls are broad-based and address buildings and improvements for which Property Owners MUST submit applications to the Architectural Control Committee (ACC) for approval before any work commences.

These Rules are established in the Protective Covenants that are part of your Deed, and therefore, are enforceable.

### **The Covenants for Architectural Control provide as follows:**

Each Property Owner is a member of the Association, which has adopted these rules and regulations to enforce the Covenants and to meet other Association needs.

The rules and regulations may be amended. It is anticipated that the changes will be primarily additive and will not involve substantive changes of existing rules and regulations. These too, however, may be amended to reflect changed conditions or technology.

The A.C.C. will conduct a yearly evaluation of the rules and regulations to determine if amendments are required. Owners should also submit to the Association requests for additions or changes to the rules and regulations. These controls are broad-based and

address buildings and improvements for which Property Owners MUST submit applications to the Architectural Control Committee (ACC) for approval before any work commences.

**Section I. Review by Committee:** No building, excavating, exterior remodeling or altering of any structure, wall or fence shall be commenced without obtaining written approval by an Architectural Control Committee composed of three (3) or more representatives appointed by the Board of Directors of the Association as to the location, elevation, set back from property lines, construction materials, quality of workmanship and harmony of external design with existing structures.

**Section II. Submission of Plans:** Plans drawn to scale showing interior and exterior elevations, exterior materials, color selections and landscaping plans must be presented to the Committee for their approval. These plans shall also include a plot plan (to scale) showing the location of the structure on the lot along with a legend depicting what scale is. The Committee shall approve or disapprove the same plan within thirty (30) days after the plan has been submitted. The Committee shall have the right to disapprove any plans, specifications or details submitted to it in the event the same are not in accordance with all of the provisions of these covenants or the rules and regulations promulgated by the developer of said Association.

**Section III. Maximum Building Coverage:** The Architectural Control Committee has enacted a maximum building coverage for any given lot. All permanent structures (i.e. house, shed, garage, outbuilding, driveway, pool, etc.) are only allowed to cover 25% of the entire lot. For example: If your lot is 20,000sq. ft. than your structures are allowed to cover 5000sq. ft. **Effective 10/1/06**

**Section IV. Construction Time:** Once construction of a building or any other structure commences upon any lot, the said structure shall be under roof after one (1) year along with all exterior, siding, driveway and grading. All exterior and Certificate of Occupancy within two (2) years.

Any new construction not completed is subject to a fine up to \$2000.00 per year set by the Architectural Control Committee.

## II. APPLICATION FOR A.C.C. APPROVAL OF PERMITS

Pennsylvania Law requires that Home Improvement Contractors register with the State Attorney General's Office. HIC number (Home Improvement Contractors number) must be on application and vehicle registration form.

Before submitting an application to the A.C.C., valid zoning, building, septic system permits & percolation tests must be issued for the lot by Penn Forest Township (when applicable).

At the discretion of the A.C.C., it may further direct an applicant to obtain certification from a registered engineer or qualified soil analyst that the proposed building or other construction will not disrupt any wetland area. When completing a DEP 4 year fill plan, the property owner must submit a copy of all required documents that are submitted to Penn Forest Township.

It is not necessary to obtain an A.C.C. permit before a percolation test. All test pits must be filled in after 15 days of completion of the percolation test. However, all other excavation, including septic system installation, requires a permit. No building, excavation, exterior remodeling, structural alterations, wall or fence erection shall be commenced until the A.C.C. has issued a written permit for the proposed site activity.

No permit application will be considered for any person who is not a member in good standing with the Association, nor will any permit application be considered with respect to any property where continuing violation of the Protective Covenants or Association By-Laws and Rules and Regulations exist.

Silt fencing may need to be installed prior to any excavation and remain in place until the Certificate of Occupancy is obtained, this will be determined by the Architectural Control Committee.

## A.C.C. Fee Schedule

(Permits are required to be submitted even if no charge)

### NEW CONSTRUCTION

New Construction	\$500.00
Additions	\$100.00
Garages	\$100.00
Sheds & Outbuildings (201sq ft – 399sq ft)	\$100.00
Overhangs	\$100.00
Sheds & Outbuildings (0sq ft – 200sq ft)	\$ 25.00
Pergola	\$ 25.00
Decks	\$ 25.00
Porches	\$ 25.00
Pools/Outdoor Spas	\$ 25.00
Refacing	\$ 25.00
Fencing	\$ 25.00
Docks	\$ 25.00
Gazebos	\$ 25.00
Solar Panels	no charge

### REPAIRS

Windows – Change in Size	no charge
Repairs to Septic	no charge
Tree Removal	no charge
Paint/Stain	no charge
Roof	no charge
Deck-Board for Board	no charge
Dog Run	no charge

The appropriate fee shall be submitted along with the application. In the event of denial by the Architectural Control Committee of the application, the fee shall be refunded when the property owner submits in writing that they are not going to pursue with construction. Otherwise, the fee is non-refundable after issuance of the permit.

When an applicant fails to complete the work subject to a permit as required by these rules, the A.C.C. shall give the property owner written notice of the violations and fifteen (15) days to correct it. If the violation continues after expiration of the fifteen (15) day period, a \$50.00 per month penalty shall be imposed. The property owner will be responsible for any fines, judgments, liens etc. assessed in an effort to rectify the violation or pursue its remedies.

## **A. Application Procedure**

1. Application forms for A.C.C. permits may be obtained at the Teepee or on the website [www.towamensing.com](http://www.towamensing.com). When completed, should be delivered to that office. The filing date for applications will be the date the application is actually received in the A.C.C. office with all of the appropriate forms and fees.
2. All information requested on the application should be provided. Incomplete applications will be held and not reviewed until all appropriate documents are submitted. **All applications must be signed by the Property Owner on Page 1.**
3. The applications must be accompanied by the following materials:
  - a. Copies of Penn forest Township sewage permit, septic design, building permit, zoning application/ permit, and a copy of an acceptable- approved percolation test.
  - b. Plot Plan, drawn to scale showing the proposed location of the following:
    1. House, driveway, and cross-drains
    2. Setbacks
    3. Well, septic and drain field locations and distance between them (drawn to scale)
  - c. Complete set of accurate, detailed, dimensioned house plans with official township approval stamp and specifications showing:
    1. Maximum height of any home never to exceed 32 feet. Overall height to be determined from the highest point of finished grade at the address side of the house, to the roof peak. Dimensions are to be shown on plan.
    2. Height of foundation walls above finished grade. Footers to be a minimum of 42" below finished grade. Only grading for drainage of 8" or less will be accepted, no berming of 1' or more will be permitted.
    3. Driveway culvert pipe (minimum 18" in diameter or equivalent must be installed as required by the A.C.C.)

4. All proposed exterior colors as per “Architectural Control Committee” standards.
5. All setbacks must be shown in the plan.
6. Copy of certificate of insurance for all appropriate contractors and sub-contractors. All contractors and sub-contractors must have vehicles registered with the TTPOA office.

## **B. Review of Application**

Promptly upon submission, the A.C.C. shall review all applications. In the event it requires further information, the applicant shall submit the requested information promptly upon notification by the A.C.C. All applications which are in conformity with the covenants and the A.C.C. Rules and Regulations shall be approved within Thirty (30) days after submission. The A.C.C. may approve the plan as filed or may impose conditions, amendments, alterations, or qualify any permit issued in order to bring the plan into compliance with the covenants and rules and regulations. Any permit so issued with conditions and accepted by the property owner shall constitute the owner’s agreement with the association to complete the work as approved by the A.C.C. In the event the owner does not agree with any condition imposed upon a permit, he must notify the A.C.C. within five (5) days of issuance of the permit. In that event, the permit will be deemed denied.

## **C. Denial of Permit Applications/Appeals**

When an application is denied, the property owner shall receive written notice of denial within 10 days after the meeting and the property owner then shall have the right to have an in-person appeal with the A.C.C. If the request/permit is still denied, the property owner shall have the right to appeal to the Associations Board of Directors, within seven (7) days after written notice of denial is issued by the A.C.C. The A.C.C. notice shall set forth the reason(s) for denial of the permit.

The Board of Directors decision shall be made by majority vote of a quorum of the Board. A quorum shall exist when 2/3 of the Board are present at the appeal.

The appeal shall be made by submitting a written request to the Association office for review by the Board. The written request shall state the reason(s) why the property owner disagrees with the A.C.C. decision and any other information the property owner deems pertinent to the appeal.

The Board of Directors will consider the appeal at its next regularly scheduled executive session. The parties shall not be permitted to attend unless authorized by the Board. The Board shall make its decision at the executive session provided a quorum of the Board is present. If a quorum is not present, the appeal shall be adjourned and considered at the first available executive session at which a quorum of the Board is present.

The Board of Directors shall notify the property owner, in writing, thereafter. All decisions of the Board are final.

### **III. PROCEDURES UPON APPROVAL OF APPLICATION**

1. When the A.C.C. has issued a permit, the property owner shall post the permit and new 911 house number at a prominent and accessible location on the property. The permit shall be covered with plastic and shall remain in place until a certificate of completion is issued by the A.C.C.
2. In order to ensure compliance with the conditions of the permit, the property owner or a designated agent of the property owner shall notify the association to conduct inspections of the work in accordance with the schedule attached as Appendix A. Any deviation from the approved plan or other violation of the A.C.C. will not issue a Certificate of Completion until all violations are corrected. No change, alteration, or other modification of the plan as approved may be made until the change is approved in writing by the A.C.C. All requests for modifications shall be made in writing to the A.C.C. which shall make a written decision within three (3) working days thereafter. The A.C.C. decision thereon shall be final.
3. When all conditions of the permit have been met, the A.C.C. will issue a certificate of completion. Issuance of certificate of completion does not constitute a waiver or act as an estoppel against the Association's right to bring any enforcement or action for violation of the Covenants or Rules and Regulations unless all current members of the Board of Directors have actual knowledge of the violation at the time of the issuance of the certificate of completion.

### **IV. STANDARDS OF CONSTRUCTION**

Attention TTPOA Property Owners contemplating building & area builders

Towamensing Trails is not responsible for drainage or flooding problems on your lot, especially if caused by improper placement, building or grading.

Property Owners building homes, additions, garages, etc. should be aware that proper drainage is your responsibility. You should seek guidance and/or technical assistance from your architect, builder or landscaper and you may need to employ the services of an engineer, in assuring the property drainage onto, through and off your property.

You may not drain your lot onto adjacent properties in a way to cause or exacerbate drainage issues on that property.

Towamensing Trails is a mountain community consisting of four thousand lots with varying elevations and slopes. The natural topography is widely varying. There are wetland areas and some lots having poor drainage and soil absorption. There are also numerous naturally occurring groundwater springs and shallow water tables, that present significant issues in constructing basements and crawl spaces especially in seasons of wet weather.

- a. All homes shall be built under the International Building Codes.
- b. No mobile homes built under the HUD housing rules of any size, type or description are permitted to be used as living quarters on any lot in Towamensing Trails.
- c. Nor can any home have a motor vehicle title issued to it.
- d. All single story homes must have at least 900 square feet of enclosed living space exclusive of decks, porches or balconies. If a dwelling has more than one (1) story, it must contain at least 768 square feet of living space on the first floor and a minimum of 132 square feet on the second floor. All permanent structures (i.e. house, shed, garage, outbuilding, pool, etc.) are only allowed to cover 25% of the entire lot. **Effective 10/1/06**
- e. Maximum height of any home never to exceed 32 feet. Overall height to be determined from the highest point of finished grade at the address side of the house, to the roof peak.
- f. Prefab Foundations- In the event Property Owner intends to construct their home using a prefab foundation, the following rules must adhere to: Blue prints approved by Penn Forest Township must indicate that a prefab foundation will be used.
- g. All dwelling shall have at least two (2) entrances, one at the front of the dwelling and a second located at the rear or rear side of the dwelling.
- h. All homes shall be of a rustic nature, and color selection shall be made from earth tones or muted shades. For the purpose of these rules, earth tones shall mean: "land surface, areas of land as distinguished from sea and air". Muted shades shall mean: "to reduce or muffle down".

The acceptance or rejection of color shall be at the discretion of the A.C.C. and it is required that the property owner submit a color sample with the permit application.

In the event the color as stated on the permit application does not, in the judgment of the A.C.C. conform to the actual color of the structure, the A.C.C. has the right to take steps as deemed necessary to have the color changed.

- i. All homes shall have sheathing applied behind the finished siding. If insulation-type sheathing is used, corners must be reinforced with diagonal bracing or ½" CD plywood.
- j. No rocks or boulders shall be removed, altered, painted, covered or buried without prior approval by the A.C.C.; except when necessary for the construction of a dwelling, septic mound, well, shed, garage & outbuilding.
- k. No trees of more than four (4) inches in diameter may be cut down without A.C.C. approval. All trees must be cut to ground level and/or stump removed. Job site must be cleared of debris and including stumps within 10 days of completion. ACC tree removal application is required. Trees to be cut down must be marked on property with ribbon that can be removed no spray paint.
- l. Under no circumstances shall the lot be cleared of all trees without prior approval by the A.C.C. Without a permit a Stop Work Order or a Non-Compliance order will be issued and replanting the same amount of trees all over 6 feet is mandatory within 6 months. Upon completion of replanting proof is needed or further fines will be issued.
- m. Radio towers or similar structures are not permitted.
- n. Wind energy generating systems a.k.a. windmills are not allowed.
- o. Outdoor boilers are not allowed.

## **1. Setbacks**

Setbacks in Section 1 through 6 for all dwelling structures, garages, sheds and other buildings shall not be less than 50 feet from the front property line iron pins. Rear yard setback shall not be less than 20 feet for dwellings and outbuildings in all sections. Side yard setback requirements for all structures shall be 15 feet on each side. In the case of a corner lot, the side yard which abuts a street shall not be less than 30 feet.

A setback is the shortest distance between a lot line between the iron pins and the building line.

## **2. Painting**

A permit is needed along with a sample of the color. There is no charge.

All homes shall be of a rustic nature, and color selection shall be made from earth tones or muted shades. For the purpose of these rules, earth tones shall mean; "land surface, areas of land as distinguished from the sea and air". Muted shades shall mean; "to reduce or muffle down".

The acceptance or rejection of color shall be at the discretion of the A.C.C. and it is required that the property owner submit a color sample with the permit application.

In the event the color as stated on the permit application does not, in the judgment of the A.C.C., conform to the actual color of the structure, the A.C.C. has the right to take steps as deemed necessary to have the color changed.

## **3. Roofing**

A permit is needed along with a sample of the roof. There is no charge for the permit.

## **4. Pools**

No in-ground pools are permitted. Above-ground pools and temporary inflatable pools are permitted provided they meet all of the guidelines listed below:

The following Rules & Regulations apply to the construction of above-ground pools as set forth by the Architectural Control Committee and approved by the Board of Directors;

- a. Property Owner must be a full time resident.
- b. Property Owner must dismantle and remove pool from the premises upon sale or rental of home; or the new owner must apply for a continuance of the pool permit.
- c. Setbacks as follows;
  1. Pool must be behind the house.
  2. Pool must be at least 20 feet from side property line.
  3. Pool must be at least 25 feet from rear property line.
- d. Pool must have fencing of at least six (6) feet in height with a locked gate to be no more than ten (10) feet from the pool. Pools under 4 feet in height needs 4ft. fence. Fencing should be able to support 200lbs. and is not scalable. See Penn Forest Township for more details. Accessory fencing that is attached to the pool is acceptable. If the pool does not have the accessory

- fence, chain link or lattice fence are permitted. Fencing which, if finished on one side only, must be constructed with the finished side facing out.
- e. Property Owner must apply for a permit with Penn Forest Township (for building and zoning permits) and Towamensing Trails. Application for permit with Towamensing must include the Township permits, appropriate A.C.C. fee and plot plan.
  - f. Plot plan must reflect the size of the pool, distance from all property lines, and height of fence and location of locked gate. Plot plan must be to scale.
  - g. A final inspection must be requested upon completion of pool installation.
  - h. Property owner(s) must obtain a Pool Rules & Regulations form from the office. The Property Owners' must have this form notarized.

## **5. Hot Tubs/Spas**

Hot Tubs or Spa's, if installed on the exterior of a home and exceed eight (8) feet in diameter and/or three (3) feet in height, are subject to the Rules & Regulations set forth for pools.

All Hot Tubs and Spas must have a securable, lockable cover.

Hot Tubs and Spas which do not exceed eight (8) feet in diameter and/or three (3) feet in height will be reviewed on an individual basis by the A.C.C.

Should the A.C.C. determine the need for any rules in connection with the installation of said Hot Tub or Spa they will inform the property owner of such.

## **6. Patios, Balconies, Decks, Gazebos and Pergolas**

Application must include Township Building Permit and Zoning Application.

- A. Board for Board  
Board for Board deck maintenance is no change in size, a permit is required but there is no charge.
- B. Any deck expansion or extension of an existing deck or new addition of a deck will require an A.C.C. permit and a Township permit, there is a charge.

Patios and decks provide a means for ground level extensions of indoor space with less visual impact than elevated decks or balconies. When patio schemes include other exterior items such as fencing, decking, lighting, plantings etc., the other appropriate sections of these rules should be referred to as applicable.

All decks and porches must be seated on solid concrete piers or columns extending no less than 42" below grade. The top of the piers or columns is to be at or above finished grade.

Patios, balconies and decks must be constructed of natural weathering materials such as brick, wood, stone, concrete, and pre-fabricated decking material. Wood must match the trim or dominant color of the dwelling.

If installation of the patio, balcony, and deck or like structure will result in an alteration of the existing property grade, the change must be shown on the application for permit. No application will be approved respecting any patio, balcony, deck, or like structure which will adversely affect existing drainage patterns to the extent that adjoining properties are adversely affected thereby.

A roof extension needs a permit and is considered an addition.

## **7. Septic Systems, surface water run-off and water supply**

**a. Septic-** All percolation test pits and septic systems must be located at the rear of the lot, except for lake-front properties when the road is at the rear of lot. All test pits required for soil evaluation tests on lots must be covered immediately following the test, and the Property Owner should take all precautions necessary to prevent accidents from open pits. If pits are not covered within thirty (30) days of the test, and the A.C.C. has actual knowledge that the pit continues to be exposed, the Association shall direct its Maintenance Department to cover the pit and the Property Owner shall be responsible to pay the Association's charge therefore in the amount of \$500.00.

**b. Well water-** The water line that enters the structure from the well must not be less than 42 inches below natural grade level.

**c. Surface water-**All Property Owners should be mindful that the Federal Government, State and Local authorities strictly control the alteration of wetlands and free-flowing streams, springs and other natural water courses and should not under-take any alterations without ascertaining that it will not violate any such law.

No alteration of any free flowing streams, springs and other natural water courses may be undertaken without the written consent of the A.C.C. No alterations will be permitted unless the Property Owner can demonstrate to the satisfaction of the A.C.C. that the alteration will not impact on the water course outside of the boundary of the property or that all Property Owners who will be affected by the alteration are in agreement with it.

The A.C.C. expresses no opinion on the legality of any such alteration and only considers such proposals to the extent that they affect the interests of the Community. The owner is strongly cautioned not to consider undertaking any modifications of wetlands or water courses without obtaining all necessary governmental approvals.

During construction, each Property Owner shall be responsible for minimizing the areas of exposed bare ground subject to erosion by rainfall in order to prevent sediment from entering natural water courses and/or roadside drainage ditches.

Culvert Pipes: May require as a condition of permit approval that road frontage include plastic drainage culvert pipes no less than 18 inches in diameter to be installed under driveways. Additionally, it shall be a continuing condition of all permits that, in the event it is determined at any time before or after approval of the application for permit that the

applicants construction or property alteration results in an adverse effect upon road drainage, the Property Owner shall correct the situation by making any improvements or modifications required by the A.C.C.

All Property Owners shall install and maintain A.C.C. specified drainage culvert pipes under their driveway when the Association installs ditches for road drainage at their property at the Property Owners' expense.

Before the builder applies for a certificate of occupancy and a final inspection with Towamensing Trails Architectural Control Committee, it is A REQUIREMENT that they call to see if a culvert pipe is required.

## **8. Garages, Sheds and Other Outbuildings**

Garages should blend appropriately with the house and carports must be attached to the house. Roof configurations and ridge lines of outbuildings must conform to those of the dwelling. Attached garages must conform to Penn Forest Township code- Section 20-27E. Attached or non-attached garages shall not exceed 36 feet by 24 feet by 16 feet in height. No temporary carports are permitted. There will be no variances for garages, sheds or outbuildings for the dimensions or the height.

Two sheds per developed property up to a total of less than 800 square feet, not to exceed 400 square feet each, and must not exceed 25% of the property. They must match in color of each other and the house.

**Attached garages with rooms above are considered additions. Detached garages shall have no living quarters, and shall be used for storage purposes only.**

Well designed and located storage sheds are encouraged by the Association because they can enhance individual property by concealing tools, trash cans, bicycles, etc. Applications for sheds may require Township Building Permit and Zoning Application/Permit. Sheds must not exceed 12 feet in height. Garages, sheds and other outbuildings must be located along side or behind the dwelling.

The A.C.C. may require additional landscaping to lessen the visual impact of the shed. Siding, dominant colors and construction details such as trim and roof pitch should match or be compatible with the house in the judgment of the A.C.C. Any shed over 400 square feet will be classified as a garage.

## **9. Overhangs**

Overhang on garages over 400 square feet need to be in front or rear of structure and must maintain within the total square footage stated in the rules for garages.

## **10. Fences**

All fencing needs a permit.

Temporary garden fencing (such as plastic fencing, vegetable/garden fence or chicken wire) needs a permit and material and color (colors permitted are green, brown or black) must be stated on permit and there is no charge.

Boundary line fencing must be split rail fence and can not exceed 4' 6" feet in height.  
Chicken wire may be applied to split rail fencing only.

NO OTHER BOUNDARY LINE FENCING IS PERMITTED.

All applications for fence installation must show the exact location of the fence and must show area or sections to be enclosed, fence style, material and color.

Chain link fencing used for area or section fencing is acceptable maximum height of fence is not to exceed 4ft. 6in. Chain link fence section is not to exceed a 50 x 25 area, and must obtain a permit for fence. Chain link fence must be to the side or rear of the home.

Any other fencing must have variance approval from the A.C.C. committee prior to commencing.

Any other fence not considered a dog run must not exceed 4ft. 6in.

## **11. Dog Enclosures**

Chain link fencing for dog runs must conform to one of the following two (2) dimensions: 8' high by no more than 10' x 10' or 4' high by no more than 5' wide x 20' long.

## **12. Refacing**

Any refacing such as siding, stone face, stucco etc. needs a permit and a sample.

All homes shall be of a rustic nature, and color selection shall be made from earth tones or muted shades. For the purpose of these rules, earth tone shall mean: "land surface, areas of land as distinguished from sea and air". Muted shades shall mean: "to reduce or muffle down".

The acceptance or rejection of color shall be at the discretion of the A.C.C. and it is required that the Property Owner submit a color sample with the permit application.

### **13. Temporary Structures**

**No temporary structure can be attached to a permanent structure.**

Temporary structures such as party tents and a temporary gazebo (made of material not wood or composite material) need a temporary permit and are valid for up to two (2) weeks.

Canopies and gazebos on decks only, need a temporary permit there is no charge and it is valid for the months of May 1 thru October 31.

Temporary storage and dumpsters need a temporary permit and is valid for up to two (2) weeks.

### **14. Signs**

During construction, a property owner may permit the builder to erect one sign per house, no larger than 2' x3', not illuminated. This time frame commences upon receipt of permit. No other commercial or private signs are permitted.

After construction, a property owner may permit the builder to keep their advertising sign there for 30 days after receiving a final inspection by the A.C.C. committee. The responsibility falls on the property owner and the contractor to remove the sign appropriately. Fines will be applied to both parties in the amount of \$50.00 for the first offense, and an additional \$50.00 each occurrence thereafter. If after receiving the 1<sup>st</sup> offense the signs are not removed within 10 days, security will remove the sign and the costs will be submitted to the contractor for the removal of the sign. In addition to this penalty, any habitual offenders will have the ability to have signs on the construction sites revoked.

All Property Owners must display their 911 house number sign, plainly visible from the street, identifying their 911 house number where applicable. This sign shall be no more than two (2) feet square and may also contain the Property Owners name and the name of their residence, if any.

### **15. Boat Docks and Bulkheads**

Applications for docks and bulkheads should accurately show all dimensions, materials, and elevations. No dock may protrude more than 16 feet into the lake. The maximum length shall be 24 feet on the "T" docks, with a width no greater than 8 feet. For the cove lots, the A.C.C. recommends that the major portion of the dock run parallel to the shore line.

Dock material must be wood, earth color, or a metal approved by the A.C.C. upon application. Docks shall be centered upon each individual lot, exception cases where adjoining Property Owners wish to build a common dock. Docks may be built on all lake front lots, even if no residence is sited on the lot. Because of the variety of dock construction and needs, each dock will be evaluated individually by the A.C.C. and exact plans should be submitted for consideration.

Any repairs to docks require a permit from the Architectural Control Committee.

DEP permits must be in current Property Owner's name and copy must be in Office.

## **16. Other Requirements**

**Property Owners are responsible for any and all fines, violations, etc. which may be incurred by their contractors, sub-contractors, etc.**

**Certificate of Insurance** - In the event a Certificate of Insurance expires prior to construction being completed, a Stop Work Order with an initial fine of \$100 will be issued. Construction may only commence when a current certificate of insurance is received in the A.C.C. office.

**Burning and burying of debris** - ABSOLUTELY PROHIBITED.

Trash must be removed from the site and disposed of outside the Trails. Per the Rules of Conduct: "No permits will be issued to contractors to burn ANY building debris, trash, brush, etc. at any time. Contractors must remove and dump, at their own disposal site, not in TTPOA development. Violation of this regulation will result in a fine of \$500.00 + costs for the first offence, \$250.00 + costs for all subsequent violations.

**Trees** – No trees of more than four (4) inches in diameter may be cut down without A.C.C. approval. All trees must be cut to ground level and/ or stump removed. Property must be cleared of debris and including stumps within 10 days of completion. A.C.C. tree removal application is required. In addition to application a plot plan should delineate the area where the trees are to be removed. **Under no circumstances shall the lot be cleared of all trees without prior approval by the A.C.C.** Without a permit a Stop Work Order or a Non Compliance Order will be issued and replanting the same amount of trees all over 6 feet is mandatory within 6 months. Upon completion of replanting proof is needed or further fines will be issued.

**Trash** – All job sites are required to maintain a dumpster during construction. It must be in place as soon as roof is framed, before shingles and siding begins. It must be 25 feet from road. In the event of non-removal, the Association will, after notice, remove the trash and charge the cost against the Property Owner. In the event debris has been buried, a \$300.00 fine shall be paid to the Association and the property owner shall remove the debris and replace it with clean fill.

The job site must be cleaned of debris, rubbish and stumps. Per the Rules of Conduct: "All trash/garbage MUST be removed from the exterior of the house and grounds...Improper disposal of trash, brush or any other material will be subject to a fine of up to \$300.00 + costs.

Property Owners that are doing repairs to their home that require a dumpster or a POD need to fill out a temporary permit at the office. There is no charge for the temporary permit, failure to do so will result in a fine of \$110.00.

**Road Damage** – The property owner shall be responsible for the cost of repair for any damage done to the Association roads or facilities from the use of heavy equipment at a building site by their contractor, etc.

**Construction Time** – Contractor and subcontractors may not begin work prior to 8:00am and must cease a 6:00pm Monday through Friday. Saturday 9:00am to 3:00pm. No Sunday or Holiday hours are permitted. The holidays are as follows: New Years Day, Martin Luther King, Presidents Day (observed), Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas. Property Owners that are also the Contractor on new construction must follow the rules set forth as the contractor.

**Vehicle Registration** – All contractors, sub-contractors, etc. must have their vehicles registered at the office and receive a contractors' pass. Per the Rules of Conduct: " All state motor vehicle laws must be obeyed, including but not limited to current insurance, inspection, registration, child restraints, etc. All motorized vehicles MUST be registered at the TTPOA office. Contractors' passes MUST be displayed and visible at all times. Fines will be issued to all violators of \$25.00 + costs." In addition to Stop Work Order or a Non-Compliance Order will be issued. If a delivery truck is delivering supplies before or after office hours, the office must know the day before if not fines will be issued.

**Silt Fencing** – Silt fencing may need to be installed prior to any excavation and remain in place until the Certificate of Occupancy is obtained, this will be determined by the Architectural Control Committee.

**Portable Toilets** – All job sites are required to maintain a portable toilet after excavating is complete and must be 15 feet from the road.

## V. **STOP WORK ORDERS/NON-COMPLIANCE**

Whenever it is determined that site work is being performed in violation of the Protective Covenants or Rules, the A.C.C. will issue a Stop Work Order with an initial fine of \$100 plus costs. If, after written notice of the Stop Work Order, the Property Owner fails to correct the condition resulting in the order within 10 days from notification; the A.C.C. permit shall be deemed revoked. Additionally, if work is continued on site after notice of

a Stop Work Order, the permit shall be deemed revoked. A stop work order will be issued and permit will be revoked if any check is returned by the bank in addition to the return check fee of \$35.00.

Whenever it is determined that site work has been performed (and is completed) in violation of the Protective Covenants or Rules, the A.C.C. will issue a Non-Compliance with an initial fine of \$100. If, after written notice of the Non-Compliance, the property owner fails to correct the condition resulting in the Non-Compliance within ten days, a second offense will result and the owner shall incur a fine of \$200 per day until the condition is corrected.

The Property Owner may appeal the issuance of a Stop Work Order or Non-Compliance in the same manner as an appeal from denial of a permit. However, the pending of an upcoming appeal will not stay the effect of the Stop Work Order and the Property Owner is bound to obey the Order pending the appeal.

## **VI. ACC EXTENSION FEE**

In the event construction is not under roof within one (1) year along with all exterior, siding, driveway and grading, a written request for an extension must be submitted to the A.C.C. outlining the status of construction, reason for the request, and specifying the length of time required to complete construction.

Upon review of the extension request, the A.C.C. will advise, in writing, whether or not the extension has been approved. When an extension is approved, an A.C.C. extension fee (non-refundable) of \$50 per quarter (3 months) will be required. The A.C.C. will not consider any extension requests which exceed one year.

# **Permit Applications**

- a. Application, every item filled in, signed, or marked not applicable.
- b. A minimum of one set of building plans which shall include:
  - Foundation
  - Maximum height of any home never to exceed 32 feet. Overall height to be determined
  - From the address side of the house, from finished grade level to the roof peak
  - Deck, fences, sheds, detached garage placement
  - In the case of manufactured homes, a specific diagram explaining how the home is attached to the foundation

- c. Plot plans showing clearly the following: ( to scale where appropriate)
  - Lot dimensions
  - Name of road fronting lot
  - Location of building (with set backs) and driveway location and shape
  - Well location (front)
  - Septic field dimension (back)
- d. Septic system design and permit
- e. Perc test results
- f. Building permit
- g. All pages of the zoning permit
- h. Swatches defining the house and roof colors
- i. Builders' certificate of insurance and vehicle registration form completed

Permit approval or denial may be picked up by the property owner or builder within thirty (30) days. If a permit is denied, the reason shall be given, so that the applicant can resubmit in conformance with the rules. An appeal from an A.C.C. decision may be made to the Board of Directors at their next scheduled executive session provided a quorum exists. The Board's decision shall be final.

Once construction is started your 911 address must be posted, it must be under roof within one (1) year and completed within two (2) years from that date. The A.C.C. will entertain a request for an extension if reasonable.

A Certificate of Occupancy from Penn Forest Township is required prior to occupancy.

There may be a periodic review by the A.C.C. during construction to ensure conformance to the permit.

Property Ownership includes the responsibility for continuing maintenance of all structures and grounds which are a part of the property.

Silt Fencing may need to be installed prior to any excavation and remain in place until the Certificate of Occupancy is obtained, this will be determined by the Architectural Control Committee. (Changed 11/10/2011) Changes in grade are forbidden if such change causes run-off onto the property of others. This must be immediately corrected.

Where road shoulder drainage ditches are present, driveways must have a drainage culvert pipe installed of at least 18" in diameter or equivalent in diameter, this is the responsibility of the property owner on an as needed basis.

Decks that rest on posts must be placed on poured concrete piers 42" below finished grade.

Dredging from lake can only be done under a DEP permit, filed in POA office.

**These rules are subject to revision by the Board of Directors without notice.**

## **APPENDIX “A”**

### **REVIEW SCHEDULE AND REQUIREMENTS**

1. All requests for project reviews are to be made to the TTPOA office.
2. The permit holder shall notify the A.C.C. coordinator of all Penn Forest Township inspections. A.C.C. will then check to make sure an “APPROVED” sticker has been obtained and note our permit accordingly.
3. Footers must be at least 42” inches below finished grade.
4. Culvert pipe (Minimum of 18” in diameter or equivalent may need to be installed)
5. The last building review shall be made after procuring a certificate of occupancy from the township. At the completion review we look for:
  - a. Spark arrestors on all chimneys. Bottom of chimney chase must be insulated and closed on the exterior of bottom.
  - b. Driveway completion and proper grading of gravel or stone.
  - c. Removal of stumps, brush and debris. It is forbidden to bury any material on site. It is the property owner’s responsibility to see that their builder/contractor adheres to the removal of trash/debris.
  - d. All trenches must be filled level to existing grade.
  - e. Placement of drain pipes under driveway, when required by the A.C.C. permit. Pipes not to be less than 18” in diameter or equivalent in diameter.
  - f. Exterior porch railings, which must include 4 x 4 supports on all corners with a maximum spacing of 12 feet. Porch steps of two (2) or more risers must have at least one (1) handrail. Note: All steps must have corner posts and rest on piers.
  - g. Decks – all porch & deck/step posts must be supported on concrete piers set 42” deep.