

# **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 Architectural Control Committee, as evidenced by an approved 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 Penn Forest Township and other building codes.**

**ALL OUTSIDE IMPROVEMENTS AND  
REPAIRS TO YOUR HOME REQUIRE A  
PERMIT.  
ALL PERMITS MUST BE VISIBLE FROM THE  
STREET.**

Revision Approved and Adopted  
By Towamensing Trails Property Owners Association  
Board of Directors on 12/11/2021  
Effective for all permits submitted after 01/01/2022

**Addendum: Standards of Construction, Pg. 10, E  
Effective: March 19, 2022**

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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 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 (hereinafter referred to as the A.C.C.) 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. These controls are broad-based and address buildings and improvements for which Property Owners MUST submit applications to the A.C.C. 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 A.C.C. 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 A.C.C. has enacted a maximum building coverage for any given lot. All permanent structures combined (i.e. house, shed, garage, outbuilding, pool, etc.) are only allowed to cover 25% of the entire lot. For example: If your lot is 20,000 square feet (hereinafter referred to as sq. ft.), your structures are allowed to cover 5,000 sq. 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 interior and Certificate of Occupancy within two (2) years.

Any new construction not completed is subject to a fine up to \$2,000.00 per year set by the A.C.C.

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

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

Before submitting an application to the A.C.C., valid zoning, building, septic system permits and 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 fifteen (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 A.C.C.

**IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO ENSURE THAT ALL PERMITS ARE POSTED SO THEY ARE VISIBLE FROM THE ROAD UNTIL THE COMPLETION OF THE PROJECT. IF NOTIFIED THAT THE PERMIT IS NOT VISIBLE FROM THE ROAD, PROPERTY OWNER HAS SEVEN (7) DAYS TO POST A CURRENT PERMIT, OTHERWISE A FINE OF \$50 WILL BE INCURRED.**

**BY SIGNING THE PERMIT APPLICATION, THE PROPERTY OWNER ACKNOWLEDGES THE APPLICATION TO BE TRUE TO WHATEVER IS OUTLINED. IN ANY CASE OF ENCROACHMENT, THE ENCROACHING PROPERTY OWNER WILL NEED TO GET A SURVEY AND THE PERMIT WILL BE CONSIDERED NULL AND VOID.**

**THE PROPERTY OWNER FURTHER AGREES TO ABIDE BY THE A.C.C. RULES, AND FULLY UNDERSTANDS THAT NON-COMPLIANCE TO THE SPECIFICATIONS**

**IN THE APPROVED PERMIT WILL RESULT IN IMMEDIATE FINES, AND ADDITIONALLY COULD RESULT IN LEGAL ACTION, AND/OR REQUIREMENT TO MOVE OR REMOVE STRUCTURES WHICH ARE NOT IN COMPLIANCE.**

**FINES AND STOP WORK ORDERS WILL BE ISSUED ON ANY PROPERTY OWNER WHO FAILS TO GET AN A.C.C. PERMIT FOR PROJECTS LISTED IN THE A.C.C. FEE SCHEDULE BELOW – NO EXCEPTIONS.**

Refer to **SECTION VII. SCHEDULE OF FINES** herein.

## **A.C.C. FEE SCHEDULE**

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

### **NEW CONSTRUCTION**

New Construction	\$700.00
Additions	\$100.00
Garages	\$100.00
Sheds & Outbuildings	\$ 50.00
Overhangs	\$100.00
Porches	\$ 50.00
Pergola	\$ 50.00
Decks	\$ 75.00
Patios	\$ 25.00
Pools/Outdoor Spas	\$ 50.00
Refacing (siding, T111, stone)	\$ 25.00
Fencing	\$ 50.00
Dog Run	\$ 25.00
Docks	\$ 25.00
Gazebos	\$ 25.00
Roof Replacement	\$ 25.00
Solar Panels	\$ 25.00

### **REPAIRS**

Roof – Emergency Repair	no charge
Windows – Change in Size	no charge
Repairs to Septic	no charge

Tree Removal	no charge
Paint/Stain	no charge
Roof Repair	no charge
Deck-Board for Board	no charge

The appropriate fee shall be submitted along with the application. In the event of denial of the application by the A.C.C., the fee shall be refunded when the Property Owner submits in writing that they are not going to pursue the 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 the app. is complete it should be delivered to the Office. The filing date for applications will be the date it 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 on Page 1 by the Property Owner.**
3. The applications must be accompanied by the following materials:
  - a. Copies of Penn Forest Township sewage permit, septic design, and 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, 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 Penn Forest 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 should follow current building codes. Footers to be a minimum of 42" below finished grade.
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 the A.C.C. standards.
5. All setbacks must be shown in the plan.
6. Copy of certificate of insurance for all appropriate contractors and subcontractors. 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 ten (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. A quorum shall exist when 2/3 of the Board are present at the appeal.

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

### **III. STANDARDS OF CONSTRUCTION**

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 current 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 sq. ft. 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 sq. ft. of living space on the first floor and a minimum of 132 sq. ft. 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: **Effective March 19, 2022, maximum square foot of any home cannot exceed 3,500 square feet of enclosed living space exclusive of decks, porches or balconies. All permanent structures (i.e. house, shed, garage, outbuilding, pool, etc.) are only allowed to cover 25% of the entire lot.**
- f. Prefab Foundations - In the event Property Owner intends to construct their home using a prefab foundation, the following rules must adhere to: Blueprints 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. For the purpose of these Rules, earth tones shall mean: A color scheme that draws from a color palette of browns, tans, warm grays, greens, oranges, whites, some reds, and some blues. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees, rocks, etc.

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. 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 and outbuilding.
- j. No trees of more than six (6) inches in diameter may be cut down without A.C.C. approval. A fine of \$100.00 for the first tree and \$50.00 for any additional tree will be issued to any violator. This measurement should be taken 4 ft. from the ground, and applies to both dead and live trees. All trees must be cut to ground level and/or stump removed. A.C.C. tree removal permit is required for any trees greater than six (6) inches in diameter. Trees to be cut down must be marked on property with ribbon that can be removed -- NO SPRAY PAINT. In addition to

the Application, a plot plan should delineate the area where the trees are to be removed. For new construction, the property must be cleared of debris including stumps within ten (10) days of completion.

- k. **Under no circumstances shall any lot be cleared of all trees without prior approval by the A.C.C.** All trees must be ribboned, and the number included in the Application. The A.C.C. Compliance Officer must approve prior to any trees being cut down. 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.
- l. Radio towers or similar structures are not permitted. **Single Pole Antennas are permitted but require A.C.C. approval; they are not to exceed 35 ft. in height and must be placed alongside or at the rear of the home.**
- m. Wind energy generating systems a.k.a. windmills are not allowed.
- n. Outdoor boilers and outdoor furnaces are not allowed.
- o. Solar panels can be installed; you will need to comply with Penn Forest Township regulations. An application with Penn Forest Township permits can be submitted to the A.C.C. for review. The application fee for solar panels is \$25.00.
- p. Damaged, Decayed or Structurally Unsafe Structures; Structures (including but not limited to houses, garages and shed(s) which have been damaged by fire, wind or water, as well as decayed, dilapidated or structurally unsafe should be boarded up and debris should be removed from the exterior of the premises as soon as possible so as to not become a safety issue or unattractive nuisance. Fines may be imposed on a case-by-case basis.

## 1. Setbacks

Setbacks in Section 1 through 5 for all dwelling structures, garages, sheds and other buildings shall not be less than 50' from the front property line iron pins. Rear yard setback shall not be less than 5' for sheds, detached garages, outbuildings. (See PFT building codes for residential dwellings) Side yard setback requirements for sheds, detached garages and outbuildings shall be 5' on each side. In the case of a corner lot, the side yard which abuts a street shall not be less than 30'.

Section 6 setbacks are as follows; no building or attachment will be less than 75' from the front property line pins, or nearer than 15' to any side street line and interior lot line.

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

## **2. Painting**

A completed permit application is required along with an actual sample of the color. (Computer print outs or photo copies will NOT be accepted); No Charge.

All exterior homes, garage, shed, deck and other outbuilding colors shall be of a rustic nature, and color selection shall be made from earth tones. For the purpose of these Rules, "earth tones" shall mean; "A color scheme that draws from a color palette of browns, tans, warm grays, greens, oranges, whites, some reds, and some blues. The colors in earth tone schemes are muted and flat in an emulation of the natural colors found in dirt, moss, trees, rocks, etc. The acceptance or rejection of color shall be at the discretion of the A.C.C. and it is required that the color sample submitted with the permit application match the finished color.

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**

Any Roof Replacement requires a permit along with a sample of the roof. There is an application fee of \$25.00 for a Roof Replacement.

EMERGENCY ROOF REPAIRS do NOT require a permit, however the material must be similar to the existing roof in both material and color. An application is still required to be submitted (even if after the repair).

## **4. Pools/ Hot Tubs & Spas**

Above-ground pools, temporary inflatable pools, hot tubs and spas are permitted provided they meet all of the guidelines listed below:

The following Rules and regulations apply to the construction of above-ground pools as set forth by the A.C.C. and approved by the Board of Directors.

- a. Does not exceed the 25% Maximum Building Coverage for permanent structures including but not limited to a house, shed, garage, outbuildings, pool, etc. of the entire lot.
- b. Only Property Owners may apply for a pool/Hot Tub and Spa permit.
- c. Property Owners must apply for a permit with Penn Forest Township as well as a Towamensing Trails A.C.C. Permit.
- d. All pools/ hot tubs and spas should comply with the current Pennsylvania uniform construction codes. All required inspections will need to be completed by Penn Forest Township.
- e. All pools should be located at the rear of the house. Any other locations of a pool would need an approved variance from the A.C.C.

## 5. Patios, Decks, Gazebos and Pergolas

Application must include Penn Forest 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 Penn Forest Township permit, there is a charge (see A.C.C. Fee Structure).

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 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, 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 overhang.

## 6. Septic Systems, Well Water & Surface Water

- a. **Septic Systems:** 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 may 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 obtaining approvals from all necessary Federal, State and/or Local Municipalities.**

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.

- d. **Culvert Pipes:** May be required 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.

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

Garages, sheds and other outbuildings are allowed on developed lots only. Garages, sheds and other outbuildings cannot exceed the 25% Maximum Building Coverage allowed for permanent structure (including, but not limited to, a house, shed, garage, outbuilding, pool etc.) on the lot.

Garages should blend appropriately with the house and carports must be attached to the house and or garage. 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 1,000 sq. ft., 16 feet in height.

**No temporary structures of any kind are permitted.**

Two sheds per developed property up to a total of less than 800 sq. ft., not to exceed 400 sq. ft. each. 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 Property Owners Association because they can enhance individual property by concealing tools, trash cans, bicycles, etc. Applications for sheds require Penn Forest Township Building Permit and Zoning Application/Permit. Sheds must not exceed twelve (12) feet in height. Garages, sheds and other outbuildings must be located behind the front edge of the house or behind the house. The Committee will accept requests for variances on shed or garage locations and height.

The Compliance Officer will check the location of a shed and or garage as outlined in the application. This will be done prior to any application being reviewed by the A.C.C.

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 sq. ft. will be classified as a garage.

## **8. Overhangs**

All Overhangs have a fee, and will need a permit from Penn Forest Township.

## **9. 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 cannot exceed 4' 6" feet in height.  
Chicken wire may be applied to split rail fencing only.

### **NO OTHER BOUNDARY LINE FENCING IS PERMITTED, (INCLUDING PRIVACY FENCE).**

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 4' 6". Chain link fence section is not to exceed a 50' x 25' area, and Property Owner 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.

## **10. Dog Enclosures**

Chain link fences for dog enclosures must conform to the following dimensions: No taller than 6' and no more than 100 sq. ft. Dog enclosures must be alongside or to the rear of the house. There is a fee of \$25.00 for a dog enclosure.

## **11. Refacing / Siding**

Any refacing such as siding, stone face, stucco, T111 around deck etc. needs a permit and an actual sample of the color and material to be used. T111 around deck must blend with house colors. There is a \$25.00 permit fee.

All homes shall be of a rustic nature, and color selection shall be made from "earth tones". For the purpose of these Rules, earth tone shall mean: A color scheme that draws from a color palette of browns, tans, warm grays, greens, oranges, whites, some

reds, and some blues. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees, and rocks.

The acceptance or rejection of the color and the material shall be at the discretion of the A.C.C. and it is required that the sample submitted with the permit application matches the finished material. In the event the sample as provided with the application does not, in judgement of the A.C.C., conform to the actual material on the structure, the A.C.C. has the right to take steps as deemed necessary to have the material conform.

## 12. Temporary Structures

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

- Temporary structures such as party tents need a temporary permit and are valid for up to two (2) weeks.
- Canopies and gazebos are allowed on decks only, and do not require a permit. They may be put up on May 1<sup>st</sup> and must come down by October 31<sup>st</sup>.
- Temporary storage and dumpsters need a temporary permit, which is valid for up to two (2) weeks.
- NO TEMPORARY CARPORTS ARE PERMITTED.

## 13. Signs

**Definition:** Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations.

### Construction Signs:

During construction, a Property Owner may permit the builder to erect one temporary sign per house, no larger than 3' x 2', not illuminated.

After construction, a Property Owner may permit the builder to keep their advertising sign there for thirty (30) days. The sign must be attached to the house or the deck of the house. 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 ten (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.

### For Sale Signs:

Only one (1) temporary For Sale sign is permitted on developed lots, and it must be attached to the house. The size of the sign must not exceed 3'x 2' (not illuminated). In the event a For Sale sign cannot be seen from the road, the For Sale sign may be placed 10ft. from the road with prior written approval by the A.C.C.

**For sale signs on undeveloped lots are no longer permitted (effective 1/1/2019).**

Political Signs / Advertising:

**No political signs / advertising of any kind shall be displayed to the public view on any lot.** Violators are subject to a fine of \$25.00 plus cost for the first offense, \$50 for the second offense if not removed within ten (10) calendar days of initial notice, and \$100 for the third and subsequent offenses if not removed within ten (10) calendar days of prior notice.

911 House Number Signs:

All Property Owners must display their 911 house number signs in accordance with the Penn Forest Township Ordinance. Violators are subject to a fine of \$25.00 plus cost for the first offense + \$50 for the second offense and \$100 for the third offense.

Garage Sale Signs:

Refer to Towamensing Trails Rules of Conduct.

## **14. 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 A.C.C.

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

## **15. Other Requirements**

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

**Re-subdivision** - Refer to Resolution R64/ 2013

**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: "Contractors must remove and dump debris and trash, at their own disposal site or Township Dump, NOT IN T.T.P.O.A. development. Violation of this regulation will result in a fine of \$500.00+costs."

**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.

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, however failure to do so will result in a fine of \$250.00.

**ALL DEBRIS MUST BE REMOVED WITHIN THIRTY (30)  
DAYS OF COMPLETION OF ANY DEMOLITION.**

**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 at 6:00pm Monday through Friday. Saturday 9:00am to 5:00pm. No Sunday or Holiday hours are permitted. The holidays are as follows: New Year's Day, 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 \$50.00 + 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 A.C.C.

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

#### **IV. 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 \$250 plus costs EXCEPT AS FOLLOWS: New Construction without a permit: \$1,000; and Additions and Garages without a permit: \$500. If, after written notice of the Stop Work Order, the Property Owner fails to correct the condition resulting in the order within ten (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 \$250 plus costs EXCEPT AS FOLLOWS: New Construction without a permit: \$1,000; and Additions and Garages without a permit: \$500. If, after written notice of the Non-Compliance, the Property Owner fails to correct the condition resulting in the Non-Compliance within ten (10) days, a second offense will result in a maximum fine set by the A.C.C. for a case-by-case basis. If the fine is not paid by the end of the calendar year, the Property Owner will continue to get fined on a yearly basis for the maximum fine set by the committee 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.

**NOTE:** Violations of the Protective Covenants or Rules could result in legal action, and/or requirement to move or remove structures which are not in compliance; payment of any fine does not excuse or approve a violation.

## **V. A.C.C. 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.

## **VI. PERMIT APPLICATION RECAP**

- 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)
  - Lake front properties should have elevations noted (see Covenants)
- 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. A quorum shall exist when 2/3 of the Board are present at the appeal. 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 A.C.C.

**(Effective 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.

## **VI. SCHEDULE OF FINES**

<b>VIOLATION *</b>	<b>FINE</b>	<b>Pg Reference No.</b>
Failure to complete new construction in 1 year	Up to \$2,000 per year	4
Permits not posted	\$50 if not posted in 7 days	5
Failure to complete work subject to a permit	\$50 per month	7
Tree removal	\$100 1st tree; \$50 additional trees	10

Exposed Septic Pit	\$500 cost to cover after (30) days	14
Failure to remove Construction Sign	\$50 for Property Owner AND Contractor for the 1st Offense	17
Political Signs	\$25 for the 1st offense, \$50 for the 2nd, \$100 for 3rd + additional offenses	17
Failure to Install 911 Signs	\$25 for the 1st offense, \$50 for the 2nd, \$100 for 3rd + additional offenses	18
Expired Certificate of Insurance	\$100	18
Burning of Debris (new construction)	\$500 + costs	19
Burying of Debris / Improper Disposal (new construction)	\$300 + costs	19
Failure to obtain ACC Permit for a Dumpster or POD	\$250	19
Failure to register Contractor Vehicles	\$50 + costs	19
Stop Work Order - New Construction without Permit	\$1,000 + costs; additional if not corrected in 10 days	20
Stop Work Order - Additions & Garages without Permit	\$500 + costs; additional if not corrected in 10 days	20
Stop Work Order - All Else without Permit	\$250 + costs; additional if not corrected in 10 days	20

\* Violations of the Protective Covenants or Rules could result in legal action, and/or requirement to move or remove structure(s) which are not in compliance; payment of any fine does not excuse or approve a violation.

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