

# **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.**

**Effective 1/1/23, all new approval applications must abide by these 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 regarding to location, elevation above existing grade, additional proposed grading, 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. If approved, TTPOA will issue a permit which will permit the owner to commence construction.**

## **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 November 12, 2022  
Effective for all permits submitted after 01/01/2023

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## I. INTRODUCTION

All Property Owners benefit from proper planning and design, which coordination has 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 are 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 or the Covenants shall be construed so as to conflict with Pennsylvania or Municipal Building or Environmental Laws or ordinances. The requirements of these regulations and the Covenants may be *more* restrictive than those of any municipal law, rule or regulation, yet cannot be less restrictive. When the requirements of this code extend beyond those of the State Laws, this code shall control.

All Property within Towamensing Trails planned community is subject to certain restrictive covenants, sometimes called a "Declaration". 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 Declaration of Protective Covenants when they purchased their property within 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 authorized 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 and is authorized to enforce the Covenants and to meet other Association needs.

The Rules and Regulations may be amended by the Board after notice to the owners. Changes can be substantive, procedural, or made to adapt to newer 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 proposed changes to the Association. These Rules are mandatory and require compliance before construction 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 (ACC) composed of three (3) or more representatives appointed by the Board of Directors of the Association to ensure compliance with regulations dealing with location, elevation, setbacks, construction materials, quality of workmanship, aesthetics, and harmony with existing structures.

**Section II. Submission of Plans:** Plans must be drawn to scale and show: interior and exterior elevations, exterior materials, color selections, and landscaping plans and must be presented to the Committee for approval. Plans shall also include a plot plan (to scale) showing the location of the structure on the lot, along with a legend depicting the proper scale. The Committee shall approve or disapprove the plan within thirty (30) days after complete submission. The Committee shall have the right to disapprove any plans not in compliance with the TTPOA governing documents.,

**Section III. Maximum Building Coverage:** The total lot coverage (in square feet) of all permanent structures combined (i.e., house, shed, garage, outbuilding, pool, etc.) on a lot cannot exceed 25% of the total area of the lot.  
(For example: If your lot is 20,000 square feet, the total lot coverage of your permanent structures cannot exceed cover 5,000 sq. ft.)

**Section IV. Construction Time:** Once construction of a building or any other structure commences upon any lot, the said structure shall be under roof and all exterior, siding, driveway and grading must be completed within one (1) year. All interior work must be completed and a Certificate of Occupancy must be issued within two (2) years of the commencement of construction. Any new construction which fails to meet the above deadlines is subject to a fine of up to \$2,000.00 per year set by the ACC.

## II. APPLICATION FOR ACC APPROVAL

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

Prior to submission, all ACC permit application packets must contain the following items issued by Penn Forest Township (Township): zoning, building, and septic system permits, percolation tests, and a validation of construction materials.

The ACC, within its discretion, may further direct an applicant to obtain certification from a registered engineer or qualified soil analyst to confirm that the proposed building or construction will not disrupt any wetland area. When completing a DEP 4-year fill plan, the Property Owner must also submit a copy of all documents required by the Township.

It is not necessary to obtain an ACC permit prior to a percolation test. All test pits must be filled in within fifteen (15) days of completion. 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 ACC has issued a written permit for the proposed site activity.

The ACC will not review a permit application unless the applicant member is in good standing. No permit application will be considered for any builder or contractor who has a legal judgment against them by a Property Owner until such judgment is satisfied. Additionally, no permit application will be considered .

As part of any project, the ACC shall determine if silt fencing is necessary and if so, how long it shall remain on the lot.

**No construction shall begin until: a) a valid ACC permit posted on site, and b) all boundary line survey stakes are clearly marked. All stakes shall remain in place for the duration of the construction project.**

**IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO ENSURE THAT ALL PERMITS ARE POSTED SO THEY ARE VISIBLE FROM THE ROAD FOR THE DURATION OF THE PROJECT. IF NOTIFIED OF A FAILURE, THE PROPERTY OWNER HAS SEVEN (7) DAYS TO CONSPICUOUSLY POST A CURRENT PERMIT OR BE SUBJECT TO A FINE OF \$50.**

**BY SIGNING THE PERMIT APPLICATION, THE PROPERTY OWNER ACKNOWLEDGES THE APPLICATION TO BE TRUE AND ACCURATE. IF AN ENCROACHMENT OCCURS, THE ENCROACHING PROPERTY OWNER MUST PROVIDE A SURVEY AND THE PERMIT WILL BE CONSIDERED NULL AND VOID UNTIL THE ISSUE IS RESOLVED.**

**THE PROPERTY OWNER FURTHER AGREES TO ABIDE BY THE COVENANTS AND ACC RULES,**

AND FULLY UNDERSTANDS THAT NON-COMPLIANCE WITH THE TERM OF THE ACC PERMIT COULD RESULT IN WORK STOPPAGES, PENALTIES AND FINES, AND POSSIBLE LEGAL ACTION.

THE FINESCHEDULE IS FOUND IN SECTION VII. SCHEDULE OF FINES herein.

**A.C.C. FEE SCHEDULE**  
**(Permits are required even if no charge is imposed)**

**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, Hot Tubs, Spas & Saunas	\$ 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
Temporary Structures	no charge

**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 permit application. If the application is denied, the fee shall be refunded only when the Property Owner notifies the ACC in writing that the project will not proceed.

When an applicant fails to complete a permitted project within the prescribed deadlines, the ACC shall notify the Owner in writing of their obligation to correct the problem within fifteen (15) days or be subject to penalties of \$50 per month. If not paid after the due process procedure, said fines shall constitute a lien on the owner's property

## A. Application Procedure

1. Application forms for ACC permits may be obtained at the Teepee or on the website [www.towamensing.com](http://www.towamensing.com). Completed applications shall be delivered to the Office. The filing date will be the date the complete application is received in the A.C.C. Office with all appropriate forms and fees.
2. All information requested on the application should be provided. Incomplete applications will not be reviewed until all appropriate documents are submitted. **All applications must be signed on Page 1 by the Property Owner.**
3. The applications must include the following materials:
  - a. Copies of Penn Forest Township sewage permit, septic design permit, 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 the 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 not 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 ACC)

4. All proposed exterior colors as per the ACC 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**

Upon receipt of a complete submission, the ACC shall begin its review. If the ACC requires further information, the applicant shall submit the requested information promptly. 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. Further, the ACC may seek further clarification from Owner as needed. 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. If Owner fails to take this step, the permit will be deemed denied.

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

A Property Owner shall receive written notice of denial within ten (10) days. The Property Owner then shall have the right to have an in-person appeal with the A.C.C. The ACC appeal decision shall be in writing and identify the basis for the decision,. If the ACC appeal is denied, the Property Owner shall have the right to appeal to the Associations' Board of Directors, in writing, stating the basis for the appeal, within seven (7) days.

The Board of Directors will consider the appeal at its next regularly scheduled executive session. The Board of Directors decision shall be made by majority vote and the Board shall notify the Property Owner in writing . All decisions of the Board are final.

## **III. STANDARDS OF CONSTRUCTION**

TTPOA is not responsible for drainage or flooding problems on owner's lots.

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, engineer, or landscaper to assure proper drainage.



You cannot divert or channel drainage onto adjacent properties in a manner that causes damage to the other property.

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

All homes shall be built under the current International Building Codes.

- a. 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.
- b. No home with a motor vehicle title is permitted in the community.
- c. 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. The total coverage area of all permanent structures (i.e. house, shed, garage, outbuilding, pool, etc.) cannot exceed 25% of the entire lot.
- d. The maximum overall height of any home is 32 feet. Overall height is measured from the highest point of finished grade at the address side of the house, to the roof peak. **Effective 3/19/22, The** square footage of any home cannot exceed 3,500 sq. ft. of enclosed living space (including below-ground living space) and is 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.
- e. Prefab Foundations - In the event a Property Owner intends to construct their home using a prefab foundation, the blueprints reflecting a prefab foundation must be approved by Penn Forest Township.
- f. All dwellings 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.
- g. All homes shall have a rustic appearance and color selection shall be based upon 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 application shall include a color sample(s). Acceptance or rejection of color shall be at the discretion of the ACC.

- h. No rocks or boulders shall be removed, altered, painted, covered, or buried without prior approval by the ACC; except when necessary for the construction of a dwelling, septic mound, well, shed, garage and outbuilding.
- i. An ACC tree removal permit is required to remove any trees greater than six (6) inches in diameter. This measurement should be taken 4 ft. from the ground and applies to both dead and live trees. In addition to the Application, a plot plan should delineate the area where the trees are to be removed. Trees to be cut down must be marked with ribbon that can be removed – NO SPRAY PAINT – and no trees shall be removed until the Property Owner has received a permit. Violations of this provision shall lead to citations of \$100.00 for the first tree and \$50.00 for any additional tree subject to the TTPOA due process procedures. Once approved by the ACC, all trees must be cut to ground level and/or stump removed.

For new construction, the property must be cleared of debris, including stumps, within ten (10) days of completion. Tree removal permits may be granted prior to Construction Permits at the ACC's sole discretion.

The ACC Compliance Officer reserves the right to return to the property to verify that tree removal is in compliance with the permit.

**Under no circumstances shall any lot be cleared of all trees without prior approval by the ACC.** All trees must be ribboned (NO SPRAY PAINT), and the number of trees (and their location(s)) shall be included in the Application. The ACC Compliance Officer must pre-approve all cuttings. Owners who cut trees without a permit shall be issued a Stop Work Order or a Non-Compliance order and all trees larger than six feet tall shall be replanted within six (6) months, with proof of replanting submitted to the ACC. The ACC Compliance Officer reserves the right to return to the property to verify that tree removal is in compliance with the permit after work has been completed.

- j. Radio towers or similar structures are not permitted. **Single Pole Antennas are permitted but require ACC approval, shall not to exceed 35 ft. in height, and must be placed alongside or at the rear of the home.**
- k. Wind energy generating systems a.k.a. windmills are not allowed.
- l. Outdoor boilers and outdoor furnaces are not allowed.

- m. Solar panels can be installed if in compliance with Penn Forest Township regulations. The application fee for solar panels is \$25.00. Solar panels are only to be installed on building roofs.
- n. 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 nuisance. Citations may be issued on a case-by-case basis.

## **1. Setbacks**

Setbacks in Section 1 through 5 - All dwelling structures, garages, sheds and other buildings shall not be less than 50' from the front property line iron pins. Rear yard setbacks shall not be less than 5' for sheds, detached garages, or 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**

Actual color samples (NOT computer printouts or photo copies) must be submitted with an application.

The exteriors of all homes, garages, sheds, decks, and other outbuilding colors shall be of a rustic nature, and color selection shall be based upon 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 ACC is authorized to accept or reject a color. The color attached to the application must match the final color; if not, the ACC can take any necessary legal steps to bring the property into compliance.

### 3. Roofing

Any Roof Replacement requires a permit along with a sample of the proposed roof shingle. The application fee is \$25.00.

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 must still be submitted (even if after the repair).

### 4. Pools / Hot Tubs, Spas & Electric Saunas

Above-ground pools, temporary inflatable pools, hot tubs, spas, and outdoor electric saunas 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. The pool cannot exceed the 25% of Maximum Building Coverage threshold, when included with the other structure on the lot.
- b. Only Property Owners may apply for a pool/Hot Tub and Spa permit.
- c. Township permits must be attached to any approval application
- d. All pools/ hot tubs, spas and outdoor electric saunas should comply with the current Pennsylvania uniform construction codes. All required inspections will need to be completed by Penn Forest Township. **WOOD FIRED OUTDOOR SAUNAS ARE NOT ALLOWED.**
- e. All pools, including temporary inflatable pools, should be located behind the house. Any other locations require a variance from TTPOA.

### 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 where there is no change in size, a permit is required but there is no charge.

- B. Any deck expansion will require an A.C.C. permit, an application fee, and a Penn Forest Township permit.

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 similar structure will result in an alteration of the existing property grade, the change must be shown on the permit application. No application will be approved which will adversely affect existing drainage patterns onto adjacent properties.

A roof extension/overhang requires a permit.

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

- a. **Septic Systems:** All percolation test pits and septic systems must be located behind the home, except for lake-front properties when the road is at the rear of lot. All test pits required for soil evaluation tests must be covered immediately following the test, and the Property Owner should take all precautions necessary to prevent accidents near the open pits. If pits are not covered within thirty (30) days of the test, and the ACC 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, or other natural water courses may be undertaken without obtaining approvals from all necessary Federal, State and/or Local authorities.**

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. Plastic drainage culvert pipes no less than 18 inches in diameter shall be installed under driveways. Owners have a continuing obligation to not adversely impact road drainage. If a problem occurs, the ACC can mandate repairs/modifications by the responsible property owner. All Property Owners, at their expense, shall install and maintain ACC-specified drainage culvert pipes under their driveway when the Association installs ditches.

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

Garages, sheds and other outbuildings are allowed on developed lots only. Garages, sheds and other outbuildings, when added to the footage of the home, cannot exceed the 25% Maximum Building Coverage limit 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. or 16 feet in height.

**No temporary structures of any kind are permitted (Refer to Section 12. Temporary Structures).**

A maximum of two sheds are permitted per developed property, so long as the combined square footage is less than 800 and no individual shed exceeds 400 sq ft. The shed(s) 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 a 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 ACC.

The ACC 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. Any shed over 400 sq. ft. will be classified as a garage.

## **8. Overhangs**

All Overhangs require an application, fee, and a Township permit.

## **9. Fences**

### **ALL FENCING REQUIRES AN ACC PERMIT.**

Temporary garden fencing (such as plastic fencing, vegetable/garden fence, or chicken wire) requires a permit (no fee). Permitted colors are: green, brown or black.

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. A survey is required for boundary line fencing permits. All boundary line survey stakes must be clearly marked and remain in place for the duration of the construction project.

### **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 with a permit. Maximum height of fence is 4' 6". Chain link fence section shall not exceed 50' x 25' (1,250 ft sq), and must be located on the side or rear of the home.

Any other fencing requires an ACC variance.

## **10. Dog Enclosures**

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

## 11. Refacing / Siding

Any refacing such as siding, stone face, stucco, T111 around deck, etc. requires 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 based upon “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.
- Temporary storage structures (including but not limited to POD-type storage units) and dumpsters require a permit, which is valid for up to thirty (30) days. The permit must be affixed to the structure and be visible from the street. If an extension is required, please notify the Office so the Application can be updated.
- Canopies and gazebos are allowed on decks only, and do not require a permit. They may be put up after April 30 and must come down by October 31<sup>st</sup>.
- 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. Violations of this provision will lead to citations and possibly fines to the owner 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 ACC.

**For sale signs on undeveloped lots are no longer permitted.**

#### Realtor Open House Signs:

The Office must be notified of Realtor Open Houses PRIOR to signs being put in place.

#### 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 shoreline.

Dock material must be wood, earth color, or a metal approved by the A.C.C. Docks shall be centered upon each individual lot, except in 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 ACC and exact plans should be submitted for consideration.

Any repairs to docks require a permit from the ACC.

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 caused 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 re-commence when a current certificate of insurance is received in the ACC 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 and before shingles and siding begins. It must be at least 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 work hours are 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 ten (10’) 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 ACC will issue a Stop Work Order with an initial citation 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 ACC 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 ACC will issue a Non-Compliance with an initial citation 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 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. The payment of any fine does not excuse or waive a violation.

## **V. A.C.C. EXTENSION FEE**

In the event construction is not under roof, and all exterior, siding, driveway and grading complete within one (1) year, a written request for an extension must be submitted to the ACC 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 ACC will advise, in writing, whether or not the extension has been approved. When an extension is approved, an ACC extension fee (non-refundable) of \$50 per quarter (3 months) will be required. The ACC 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 clearly showing the following: (to scale where appropriate)
    - Lot dimensions
    - Name of road fronting lot
    - Location of building (with setbacks) 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. The Board's decision shall be final.

Once construction is started, your 911 address must be posted

The home 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 ACC 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.

Changes in grade are forbidden if such change causes run-off onto the property of others. This condition must be corrected immediately.

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

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

VIOLATION *	FINE	Pg Reference No.
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.**