

# **BIRCHWOOD LAKES COMMUNITY ASSOCIATION, INC.**

*Amended May 1, 2019*

## **RULES, REGULATIONS & FINES**

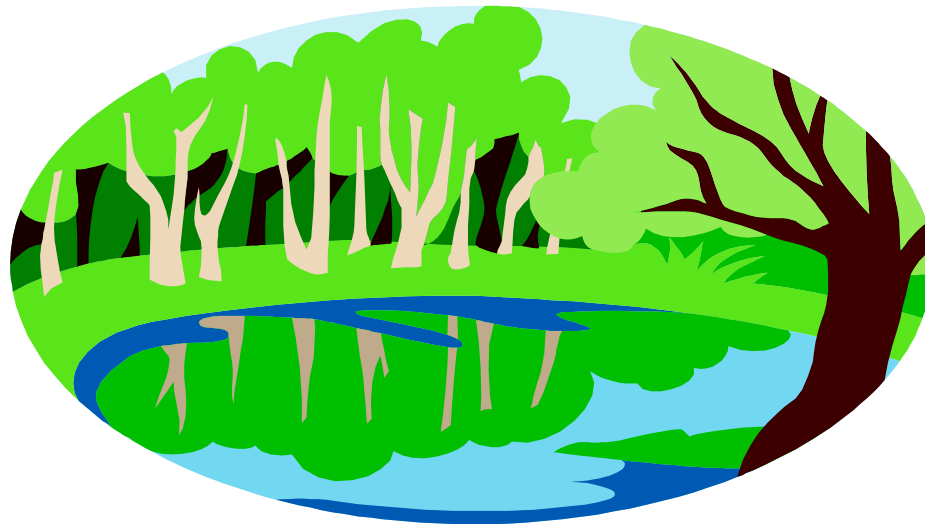
### **Association Fee Schedule**

### **Citation Appeal Process**

### **Resolution Committee**

### **Board Review Panel**

### **Alternative Dispute Resolution**



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# INTRODUCTION

The following procedure has been adopted by the BLCA Board of Directors to inform our members in advance that a new or revised rule is being considered and to give them the opportunity to send their comments and/or suggestions to the Board before this document is finalized and implemented. (new effective 5/11/12), amended 2/9/19

1. The Board of Directors will review recommendations from the Governing Documents Committee to adopt a new rule or revise a current rule.
2. If in agreement with the recommendation, the Board by a majority vote of those Directors present will send the proposed rule (new or revised) to the membership for their information and comment. If not in agreement, the document will be returned to the committee for further discussion. Members shall be notified of any proposed rule changes, notification method choosing one or more of the following communication methods; letter, electronic, newsletter posting, as deemed appropriate by the Board. Member comment period shall be 20 days for review.
3. After reviewing member input/comments, the Board of Directors shall vote to approve the proposed rule by a majority vote of the Directors present or to send it back to committee for further discussion. The Board shall take into account all feedback, but is not obligated to change the original document under consideration.
4. All new or revised rules will be effective immediately after final approval by the Board.
5. Special Note: The Board may immediately implement a new or revised rule on a strict exception basis for all items considered to be a public health, public safety or other emergency issue.

## TABLE OF CONTENTS

### MOTOR VEHICLES, TRAFFIC & SAFETY

<u>ITEM</u>	<u>PAGE</u>
<u>Subsection 5 - Enforcement</u>	
Section 98-5-1 Enforcement .....	1, 2
Section 98-5-2 Complaints .....	2
<u>Subsection 10 - Vehicle Documents</u>	
Section 98-10-1 Vehicle Documents .....	2
Section 98-10-2 (Blank) .....	2
Section 98-10-3 (Blank) .....	2
Section 98-10-4 (Blank) .....	2
Section 98-10-5 Discontinued (Blank).....	2
Section 98-10-6 (Blank).....	2
Section 98-10-7 Production of Applicable Documents.....	2
<u>Subsection 20 - Motor Vehicle Moving Violations</u>	
Section 98-20-1 Motor Vehicles .....	2, 3

<u>ITEM</u>	<u>PAGE</u>
Section 98-20-2 Abandoned Vehicles .....	3
Section 98-20-3 Commercial Vehicles .....	3
Section 98-20-4 Emergency Vehicles .....	4
Section 98-20-5 (Blank) .....	4
Section 98-20-6 Fleeing or Attempting to Elude B.L.C.A. Public Safety Dept.....	4
Section 98-20-7 (Blank).....	4
Section 98-20-8 (Blank) .....	4
Section 98-20-9 Careless Driving .....	4
Section 98-20-10 Stop and Traffic Control Signs .....	4
Section 98-20-11 No Passing Allowed .....	4
Section 98-20-12 School Bus & Bus Stop.....	5
Section 98-20-13 Prohibiting Unauthorized Persons From Driving .....	5
Section 98-20-14 Restricted Areas of Operation for Motor Vehicles .....	5
Section 98-20-17 Motor Vehicle Lights .....	5
Section 98-20-18 Speed Regulations .....	5
Section 98-20-19 Failure to Obey Direction of Traffic Flow .....	5
Section 98-20-20 Entrance/Exit Gates / Security System.....	6
Section 98-20-21 ATV's, snowmobiles, motorized go-carts, off road vehicles.....	6
Section 98-20-22 Trespassing .....	6
Section 98-20-23 Common Area Restrictions .....	6
Section 98-20-24 Violations Not Covered by Section 98 .....	6
<u>Subsection 30 - Motor Vehicle Parking Violations</u>	
Section 98-30-1 Parking .....	6, 7
<u>Subsection 40 - Criminal Violations</u>	
Section 98-40-1 Underage Drinking Prohibited .....	7
Section 98-40-2 Assaulting Public Safety Department, or any B.L.C.A. Board Member, Employee or Volunteer .....	7
Section 98-40-3 Interfering With or Harassing Public Safety Dept or any B.L.C.A. Board Member, Employee or Volunteer .....	7
Section 98-40-4 Vandalism .....	7, 8
<u>Subsection 50 - General Violations</u>	
Section 98-50-1 Alcoholic Beverages Prohibited .....	8
Section 98-50-2 Bicycles .....	8
Section 98-50-3 Possession of Firearms on B.L.C.A. Property .....	8
Section 98-50-4 No Hunting on B.L.C.A. Property .....	8
Section 98-50-5 Discharging of Firearms on B.L.C.A. Property .....	8
Section 98-50-6 Noise Disturbance .....	8
Section 98-50-7 Animals .....	9
Section 98-50-8 Feeding Wildlife Prohibited.....	9
Section 98-50-9 Burning .....	9, 10
Section 98-50-10 Rentals/Leasing .....	10

<u>ITEM</u>	<u>PAGE</u>
Section 98-50-11 Renters Insurance Required .....	10
Section 98-50-12 Untidy/Unsightly Properties.....	10
Section 98-50-13 Health & Sanitation .....	10, 11
Section 98-50-14 Leaves .....	11
Section 98-50-15 Fireworks & other Explosive Devices.....	11
Section 98-50-16 Signs .....	11
Section 98-50-17 Limitations on Tree Removal .....	11, 12
Section 98-50-18 Dangerous & Abandoned Structures.....	12, 13
Section 98-50-19 Construction Permit .....	13
Section 98-50-20 Resale Certificates .....	13
Section 98-50-21 Frivolous Complaints .....	13
Section 98-50-22 Temporary Structures.....	14
Section 98-50-23 Snow Removal.....	14
Section 98-50-24 Temporary Storage Containers.....	14
Section 98-50-25 Nuisance.....	14
Section 98-50-26 Septic Tank Maintenance .....	14, 15

Resolution No.1-1992

Members and Guests Usage of Badges .....	15
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Section 98 Subsection 60 - Recreational Areas Rules and Regulations

General Rules .....	15, 16
Fishing and Boating Information .....	16, 17
Section 98-60-37 Catch & Release Program .....	17
Section 98-60-38 Ice Fishing .....	17

B.L.C.A. Fee Schedule

Returned check charge for insufficient funds .....	18
Charge for faxes .....	18
Charge for copies.....	18
Interest rate charges on delinquent accounts.....	18
Collection Fee .....	18
Payment Plan Reversal Fee .....	18
Annual Late Fee .....	18
Unpaid Citations.....	18
Tenant Occupied Homes.....	18
Clubhouse Rental Fees .....	18
Common Area Security Fee.....	18, 19
Gate Cards .....	19
Remotes .....	19

<u>ITEM</u>	<u>PAGE</u>
<u>Fees for Resale of Property</u>	
Document Fees .....	20
Capital Improvement Fee (C.I.F.) .....	20
Citations .....	20
Appeals.....	21
Resolution Committee Purpose and Guidelines.....	21, 22
Board Review Panel Purpose and Guidelines .....	22
Alternative Dispute Resolution .....	23

# **MOTOR VEHICLES, TRAFFIC AND SAFETY**

## **Section 98 Subsection 5 - Enforcement**

### **Section 98 - 5 - 1 Enforcement**

Definitions: For the purpose of this section, the following terms shall have the meanings indicated: **B.L.C.A. Public Safety Department**-Any person employed by the Birchwood Lakes Community Association Inc., or person employed by any security agency contracted by the Birchwood Lakes Community Association Inc., who is either a full-time or part-time employee and whose primary responsibilities are to patrol B.L.C.A. roads, common area and amenities. All employees will be in full uniform while operating a public safety vehicle or while on duty. The only exception to this rule is, a public safety officer who is off duty being called in to assist in an emergency situation. B.L.C.A. Public Safety Department employees shall have proper identification and a numbered badge.

#### **Purpose:**

The purpose of the B.L.C.A. Public Safety Department is to patrol the roads, common areas and amenities of the association; to enforce the Rules and Regulations, Deed Covenants and Restrictions, and the By-laws of the Birchwood Lakes Community Association; to aid and assist the state police, fire department, and ambulance personnel in the event of an emergency to locate residences and to address the emergency situation.

The B.L.C.A. Public Safety Department shall be empowered to issue citations for vehicular violations, including but not limited to moving violations, parking violations or any violation of the Birchwood Lakes Community Association Rules and Regulations, Deed Covenants and Restrictions, and the By-laws. The owner(s) of a vehicle parked or being operated on BLCA property and any driver of the vehicle shall be responsible for fines issued by BLCA with respect to the vehicle or its operation.

The B.L.C.A. Public Safety Department shall be authorized to initiate a trespass complaint for any unauthorized use of any road or place maintained by the B.L.C.A. This will include any violations committed by any person who is not a resident of B.L.C.A.

The B.L.C.A. reserves the right to remove any apparently abandoned vehicle or any vehicle found trespassing under the aforementioned sections or cause them to be removed by a commercial towing operator, at the sole risk and liability of the owner.

The BLCA reserves the right to include with any citation costs applicable for damages and/or repairs of replacements of damaged Association property.

Violations or breaches of the Association's Rules, Regulations or By-Laws may cause the member/violator to be subject to the withdrawal of his/her right to use the Association facilities for a period of sixty (60) days. The Board has the specific authority to levy fines against any person who violates the rules and regulations or motor vehicle code. Repeated violations may cause the member or violator to be subject to the withdrawal of his/her right to use the Association facilities up to one (1) year.

The B.L.C.A. reserves the right to reduce fine amounts provided in the Association Rules & Regulations if it is determined by the Association that extenuating circumstances exist. In order for the amount of a fine to be reduced, a written recommendation of the reduction must be provided by the Resolution Committee to the Board Review Panel. The written recommendation must provide an explanation of the extenuating circumstances which the Resolution Committee believes warrant a reduction in the fine(s) even though the violator was otherwise determined to have committed the offense. At no time shall the Appellant's fine be less than a minimal charge of \$25.00 for administrative costs, plus the appeal hearing surcharge if deemed appropriate by the Board Review Panel.

**Training and qualifications:**

The B.L.C.A. Public Safety Department shall be authorized to use radar within the community upon receiving appropriate radar training and certification.

The B.L.C.A. Public Safety Department shall be authorized to use mace/pepper spray within the community upon receiving appropriate training and certification.

The B.L.C.A. Public Safety Department shall acquire basic first aid and C.P.R. certification.

**Section 98 - 5 - 2 Complaints**

- A. All complaints shall be in writing and shall be signed by the person making the complaint prior to any action being taken by the Birchwood Lakes Public Safety Department.
- B. A summons may not be issued by the Birchwood Lakes Public Safety Department more than six (6) months after the complaint has been filed.

**Subsection 10 - Vehicle Documents**

**Section 98 - 10 - 1 Vehicle Documents - amended effective 6/10/14, 4/14/15**

- A. Anyone operating a motor vehicle upon the roads or any place maintained by the Birchwood Lakes Community Association shall have in their possession at all times a valid operator’s license, a valid motor vehicle registration, a valid motor vehicle insurance and a valid inspection sticker for the class of vehicle being driven. The vehicle operator shall produce a valid operator’s license, a valid motor vehicle registration, a valid motor vehicle insurance and a valid inspection sticker upon being instructed to do so by the B.L.C.A. Public Safety Department.
- B. **The fine for violation of Section 98 - 10 - 1 shall be \$100.00.**

**Section 98 - 10 - 2** This section intentionally left blank. - amended 4/14/15

**Section 98 - 10 - 3** This section intentionally left blank. - amended 4/14/15

**Section 98 - 10 - 4** This section intentionally left blank. - amended 4/14/15

**Section 98 - 10 - 5** Discontinued this section intentionally left blank. – amended 10/14/14

**Section 98 - 10 - 6** This section intentionally left blank. - amended 5/12/06

**Section 98 - 10 - 7 Production of Applicable Documents – amended effective 9/16/14**

- A. Any person failing to produce the documents required in Section 98-10-1 shall have (five) business days in which to produce applicable documents to the BLCA office. Any document required must be valid as of the date of the violation and be provided within the required time frame for the citation to be voided.

**Subsection 20 - Motor Vehicle Moving Violations**

**Section 98 - 20 - 1 Motor Vehicles – amended effective 4/14/15**

*Definitions.* For the purpose of this section, the following terms shall have the meanings indicated:

**Motor Vehicle** - A vehicle, which is self-propelled, except one which is propelled solely by human power, including, but not limited to passenger cars, motorcycles, mopeds, motor-driven cycles, golf carts, trucks, tractors. Trailer – any vehicle pulled behind another vehicle.

- A. Motorized handicap wheelchairs operated by a handicapped person are exempt from any regulations or regulations as described in **Section 98**, except when in operation on any roads or place maintained by the B.L.C.A., and shall stay as far to the right side of the roadway as possible at all times except when making left turns and shall yield to all other motor vehicles. If operated on the roads of the development, the motorized handicap wheelchair shall have reflectors on the front and back. If operated on the roads after

dark, the motorized handicap wheelchair shall be equipped with a light, front and back.

**B. The fine for violation of Section 98 - 20 - 1 shall be \$25.00.**

**Section 98 - 20 - 2 Abandoned Vehicles/Trailers - amended effective 10/11/08, 2/8/14, 6/10/14, 4/14/15**

*Definition.* A vehicle or trailer shall be considered abandoned if it does not have all of the following:

1. A valid registration
2. Valid automobile insurance
- 3: Nothing herein shall prevent BLCA from requesting proof of valid registration and/or insurance to ensure vehicle is not abandoned and complies with regulations.

**A.** It is prohibited to abandon or leave unattended a vehicle on or along a roadway or other property maintained by Birchwood Lakes Community Association without permission of the Association.

**B.** It is prohibited to abandon a vehicle on private property within the B.L.C.A. development.

**C.** The Public Safety Department may have any vehicle removed at the owner's expense, any vehicle that is parked, disabled or abandoned on any roadway, berm or place maintained by B.L.C.A., that is interfering with or hindering the normal movement of traffic.

**D.** Any vehicle that is parked, disabled or abandoned on any roadway, berm or place maintained by Birchwood Lakes Community Association during winter weather or snow removal shall be automatically removed at the owner's expense.

**E.** **For exemption from this regulation,** a temporary permit for a "stored" vehicle may be obtained from the BLCA office for a period of 3 months, renewable for a maximum of a 6 month period. A maximum of one stored vehicle is allowed per home. The resident must cover the vehicle with a neutral or earth-toned car cover. The car cover must extend to within 12 inches of the ground on all sides of the vehicle. All precautions should be taken to prevent any fluid leakage while the vehicle is being "stored". Any leakages will be in violation of **Section 98 – 50 - 13** of the Association's regulations. Refer to **Section 98 – 30 - 1E** for information on parking overnight on the roads or Association property.

**The fine for violation of Section 98-20-2 A, B, C, or D shall be \$100.00 for the initial violation, plus \$25.00/week for each week the vehicle remains.**

**Section 98 - 20 - 3 Commercial Vehicles - amended effective 5/1/05, 10/12/12, 6/10/14**

*Definitions.* For the purpose of this section, the following terms shall have the meanings indicated:

**Commercial Vehicle:** Any vehicle used for commercial business, including but not limited to delivery vehicles, service vehicles, repair vehicles and maintenance vehicles.

**A.** Commercial vehicles may not park within Birchwood Lakes Community Association between the hours of 6:00 p.m. and 6:00 a.m. unless they are owned by a Birchwood Lakes property owner or resident, and are used for daily personal transportation and meet the following criteria:

- (1.) It is a model normally used by the general public for personal transportation. (Pick-up, utility body truck or van)
- (2.) The vehicle is less than two hundred forty-nine (249) inches long and less than eighty-five (85) inches high.
- (3.) The vehicle's gross vehicle weight rating does not exceed ten thousand (10,000) pounds.
- (4.) The vehicle shall not be loaded with anything which would cause it to exceed the dimensions or weight restrictions mentioned in item 2 or 3.
- (5.) The vehicle's total axles shall not exceed two (2).
- (6.) The vehicle has no attachments in the rear except for pick-up trucks caps, tool box, fifth-wheel or ball-hitch for towing trailers.

**B.** Birchwood Lakes Community Association maintenance vehicles, equipment and any vehicles or equipment which are contracted, leased or rented for use by the Association and/or providing services for the Association are excluded from the requirements of this section. Vehicles utilized by or contracted by utility companies while providing services within Birchwood Lakes community are also excluded.

**C. The fine for violation of Section 98 - 20 - 3 : A shall be \$100.00.**

**D.** During the 8 week spring thaw there will be a 10 ton weight restriction, exceptions include school buses, garbage trucks, oil/propane trucks, moving trucks, emergency vehicles. Other restrictions or exceptions may be approved by the BLCA Office upon request.

**E. The fine for this violation of Section 98 - 20 - 3 : D shall be \$1,000.00.**



**Section 98 - 20 - 4 Emergency Vehicles - amended effective 6/10/14**

*Definitions.* For the purpose of this section, any vehicle owned and maintained by a Fire Department, Ambulance Department, Police Department, Rescue Department, the B.L.C.A. Public Safety Department or any other vehicle registered as an “emergency vehicle” with the Commonwealth of Pennsylvania is classified as an “emergency vehicle”.

**A. Duty to yield to emergency vehicles**

Ambulance, Fire, Police, Rescue and B.L.C.A. Public Safety Department vehicles, when operated in response to calls or when B.L.C.A. Public Safety Department personnel are in pursuit of a motor vehicle operator for which he has probable cause to believe that the operator has committed or is in the process of committing a violation of law, shall have the right-of-way. On the approach of any such vehicle from any direction and when such vehicle is sounding a siren and/or displaying a flashing emergency light signaling device, the driver of every other vehicle shall immediately draw his/her vehicle as near as practical to the right-hand side of the road, clear of any intersection, and bring it to a complete standstill until such emergency vehicles have passed.

**B.** Any Fire Department or Ambulance Corp. personnel responding to an emergency situation in a privately owned vehicle, displaying flashing emergency lights, shall be given the right-of-way on all B.L.C.A. roads.

**C. The fine for violation of Section 98 - 20 - 4 : A or B shall be \$200.00.**

**Section 98 - 20 - 5** This section intentionally left blank. - amended effective 6/10/14

**Section 98 - 20 - 6 Fleeing or attempting to elude B.L.C.A. Public Safety Department - Amended effective 5/1/05, 6/10/14**

**A.** It is prohibited for any driver of a motor vehicle to willfully fail or refuse to bring his/her vehicle to a stop, or who otherwise flees or attempts to elude an officer of the B.L.C.A. Public Safety Department, in a Public Safety vehicle, when given visual or audible signals to bring the vehicle to a stop. The signal given by the B.L.C.A. Public Safety Department may be by hand, voice, emergency lights, or siren.

**B. The fine for violation of Section 98 - 20 - 6 shall be \$200.00 and suspension of membership privileges for a period of sixty (60) days.**

**Section 98 - 20 - 7** This section intentionally left blank.

**Section 98 - 20 - 8** This section intentionally left blank. - amended 10/12/12

**Section 98 - 20 - 9 Careless driving - amended effective 9/8/06, 6/10/14**

**A.** Any person who drives a motor vehicle in careless disregard for the safety of persons or property is guilty of careless driving and a citation shall be issued.

**B.** If the motor vehicle operator has committed two (2) or more moving violations at the same time, which requires a traffic stop by the B.L.C.A. Public Safety Department, the motor vehicle operator shall also be guilty of careless driving.

**C.** The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles, the traffic volume and the conditions of the roadway.

**D. The fine for violation of Section 98 - 20 - 9: A or B shall be \$100.00.**

**The fine for violation of Section 98 - 20 - 9: C shall be \$25.00**

**Section 98 - 20 - 10 Stop and traffic control signs - amended effective 6/10/14**

*Regulation.* The size, shape and color of traffic control signs shall be in accordance with the Pennsylvania Department of Transportation and/or the Federal Department of Transportation.

**A.** Motor vehicle operators shall yield the right-of-way to other vehicles at yield signs. Motor vehicles shall slow their vehicle to a near stop, check for approaching traffic and yield the right-of-way to other vehicles and then proceed with caution.

**B. The fine for violation of Section 98 - 20 - 10 : A shall be \$50.00.**

**Section 98 - 20 - 11 No Passing Allowed**

**A.** Passing of any moving motor vehicles on B.L.C.A. roadways is strictly prohibited.

**B. The fine for violation of Section 98 - 20 - 11 : A shall be \$50.00.**

**Section 98 - 20 - 12 School Bus & Bus Stop - amended effective 6/10/14**

- A. It is illegal for any motor vehicle operator to pass a stopped school bus with flashing red lights
- B. All motor vehicles shall stop at least 10ft from the stopped school bus.
- C. Any vehicle that intends to wait for the school bus for purposes of dropping off or picking up a child who rides the school bus, must park in the designated parking lots and remain there until all children have been loaded or unloaded from the bus and the bus has left the BLCA. No vehicle shall pull out of the parking lot to load or unload children into or from the BLCA roadway.  
*All roadways must be kept open for through traffic or emergency vehicles and shall not be blocked by vehicles that drop off or pick up any child/children from a school bus.*
- D. **The fine for violation of Section 98 - 20 - 12: A shall be \$200.00 and suspension of membership privileges for a period of sixty (60) days. The fine for violation of Section 98 - 20 - 12: B & C shall be \$100.00.**

**Section 98 - 20 - 13 Prohibiting unauthorized persons from driving - amended effective 6/10/14**

- A. No person shall authorize or knowingly permit a motor vehicle to be operated upon any roadway or place maintained by the Birchwood Lakes Community Association by any person who is not an authorized licensed driver for the class of vehicle being driven.
- B. **The fine for violation of Section 98 - 20 - 13: A shall be \$100.00.**

**Section 98 - 20 - 14 Restricted areas of operation for motor vehicles – amended effective 6/10/14**

- A. No motor vehicle may be operated on any beach or community common area, or any dam breast/spillways, other than roads, parking lots or boat launches.
- B. **The fine for violation of Section 98 - 20 - 14: A shall be \$25.00.**

**Section 98 - 20 - 17 Motor vehicle lights**

- A. Every vehicle, while operated on any roadway maintained by the Birchwood Lakes Community Association at any time between sunset and sunrise shall display lighted headlamps and tail lights.
- B. Motorcycles, mopeds and motor driven cycles must, in addition to the above, display a lighted headlamp during daylight hours.
- C. **The fine for violation of Section 98 - 20 - 17: A or B shall be. \$50.00.**

**Section 98 - 20 - 18 Speed regulations - amended effective 5/1/05**

- A. The maximum posted speed on any roadway or place maintained by the Birchwood Lakes Community Association shall be twenty-five (25) miles per hour and shall be strictly enforced. It is prohibited to exceed the posted speed limit on any B.L.C.A. roadway. All vehicles shall yield the right-of-way to pedestrians on the roadway or crossing the roadway.
- B. The maximum posted speed on any B. L. C. A. roadway adjacent to a recreational area shall be fifteen (15) miles per hour and shall be strictly enforced. It is prohibited to exceed the posted speed limit on any B.L.C.A. roadway. All recreational areas shall have posted signage. All vehicles shall yield the right-of-way to pedestrians on the roadway or crossing the roadway.
- C. For the purpose of the enforcement of this section, the B.L.C.A. Public Safety Department is authorized to use mechanical, electrical or electronic devices to assist them in measuring the speed of motor vehicles.
- D. **The fine for violation of Section 98 - 20 - 18: A or B shall be \$35.00, plus any person exceeding the maximum speed limit by more than five (5) miles per hour shall pay an additional fine of \$5.00 per mile for each mile in excess of five (5) miles per hour over the maximum speed limit**

**Section 98 - 20 - 19 Failure to obey direction of traffic flow (i.e., One-Way, Do Not Enter, etc.)**

- A. The operator of any motor vehicle, who is operating said vehicle upon the roads or any place maintained by Birchwood Lakes Community Association shall obey all posted direction of traffic flow signs.
- B. The operator of any motor vehicle, who is operating said vehicle upon the roads of Birchwood Lakes Community Association shall obey all posted direction of traffic flow signs at any community entrance or exit so as not to endanger other community residents.
- C. **The fine for violation of Section 98 - 20 - 19: A is \$50.00.  
The fine for violation of Section 98 - 20 - 19: B is \$200.00.**

**Section 98 - 20 - 20 Entrance and/or exit gates / Security System - amended effective 5/1/05, 6/10/14**

- A. Any individual who does damage to the entrance or exit gate(s) or security system with a motor vehicle or by hand or otherwise to deliberately force or attempt to force the gate into the raised position.
- B. The operator of any vehicle or person attempting to gain entry into the community by tailgating, preceding another vehicle, or forced entry through the gate will be fined \$200.00. If the gate arm is broken, a fine of \$350.00 plus costs of repair will be assessed.
- C. Improper use of the keypad entry system is prohibited. This includes making prank telephone calls and using the keypad for any purpose other than gaining vehicle entry into the community.
- D. Improper use and distribution of confidential entry codes is prohibited.
- E. **The fine for violating Section 98 - 20 - 20 : A. fine of \$350.00 in addition to costs to repair the gates, court fees or other expenses incurred. The fine is in addition to any fine levied by a court of law. Violators may be prosecuted. The fine for violating Section 98 - 20 - 20: C & D shall be \$350.00.**

**Section 98 - 20 - 21 ATV's, snowmobiles, motorized go-carts, off road recreation vehicles – amended 10/14/14**

- A. All-terrain vehicles, snowmobiles, mini-bikes, motorized go-carts, or any recreational vehicle designed to go off-road, are not permitted on any BLCA roads, common areas or right-of-ways.
- B. Vehicles are not to be driven on the private property of other members unless written permission of the owner is obtained and placed on file at the BLCA office.
- C. **The fine for violation of Section 98 - 20 - 21 shall be \$100.00.**

**Section 98 - 20 - 22 Trespassing**

- A. Unauthorized use of lakes, beaches, pool, parking lots, roads and any common area within Birchwood Lakes shall constitute trespassing.
- B. **The fine for violation of Section 98-20-22 shall be \$200.00, and/or charges may be filed with the appropriate District Justice for trespassing.**

**Section 98 - 20 - 23 Common Area Restrictions**

- A. Violating curfew or posted hours of operation of any common area of BLCA is prohibited.
- B. Loitering in any entrance/exit way, road or road right of way, bus stop area (unless waiting for a school bus), lakes, beaches, pool, parking lots or any common area within Birchwood Lakes is prohibited.
- C. **The fine for violation of Section 98 - 20 - 23 shall be \$25.00.**

**Section 98 - 20 - 24 Violations not covered by Section 98**

- A. **The Pennsylvania Vehicle Code will apply for any violations not covered by Section 98.** We are not enforcing the Pennsylvania Vehicle Code but rather using this code as a guideline for enforcement.
- B. **The fine for any violation of Section 98 - 20 - 24 shall be \$25.00.**

**Section 98 - Subsection 30 - Motor Vehicle Parking Violations**

**Section 98 - 30 - 1 Parking - amended effective 9/8/06**

- A. Stopping, Standing, & Parking is prohibited on any road maintained by the B.L.C.A. which includes, but is not limited to, shoulders, berms or right-of-ways. “No Parking, No Stopping, No Standing” signs mean just that and will be strictly enforced.  
*Stopping, when prohibited, shall mean any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.*  
*Standing, when prohibited, shall mean the halting of a vehicle whether occupied or not, except momentarily for the purpose of and while actually engaged in receiving or discharging passengers.*  
*Parking when prohibited, shall mean the halting of a vehicle whether occupied or not except momentarily for the purpose of and while actually engaged in loading or unloading property or passengers.*

- B. Except for persons parking vehicles lawfully bearing registration plates or a handicapped sticker issued to handicapped persons or disabled veterans, no person shall park a vehicle in a reserved parking space designated for a handicapped person or disabled veteran where property has been so posted.
- C. Contractor's equipment or trucks may load and unload from the B.L.C.A. right-of-way, provided that all safety precautions have been taken as follows: placing orange safety cones around the area where the vehicle is being used and posting a responsible person to direct traffic as needed to ensure the safe movement of traffic through the affected location.
- D. Parking within forty (40) feet of any designated fire lane or dry hydrant access at the lakes is strictly prohibited.
- E. No overnight parking allowed where posted unless prior approval from BLCA office or Public Safety.
- F. **The fine for violation of Section 98 - 30-1 A, C or E shall be \$25.00 per occurrence for the first day, plus \$10.00 per day for each additional day that the violation continues and if applicable any costs incurred in having the vehicle removed.**  
**The fine for violation 98 -30-1 B shall be \$50.00.**  
**The fine for violation of Section 98-30-1 D shall be \$100.00. In an emergency, the vehicle shall be removed by a licensed commercial towing operator, at the sole risk and liability of the owner.**

### Section 98 - Subsection 40 - Criminal Violations

#### Section 98 - 40 - 1 Underage Drinking Prohibited

- A. The B.L.C.A. Public Safety Department shall enforce PA State Law regarding underage drinking, which is an offense in Pennsylvania.

#### **Pennsylvania law states the following:**

An individual need not be in or near a car or motor vehicle for this law to apply and driving privileges can be lost by those convicted of drinking, transporting or possession of alcohol or of having a false identification as determined by a court of law. Fines of up to \$500.00 for offenders, as well as adults who purchase and supply alcohol to persons under 21 years of age, are often assessed by the courts.

All Pennsylvania State Laws are enforced in the Birchwood Lakes Community and verified cases of underage drinking are registered with the court.

- B. **The fine for violation of Section 98 - 40 -1 shall be \$200.00. This fine is in addition to any fine levied by a court of law.**

#### Section 98 - 40 - 2 Assaulting Public Safety Officer or any B.L.C.A. Board Member, employee or volunteer - amended effective 6/10/14

- A. Any individual who assaults a Public Safety Officer, or any B.L.C.A. Board member, employee or volunteer while working or acting on behalf of the association, by spitting, verbal or physical abuse, shall be in violation of Section 98 - 40 - 2.
- B. Criminal charges may be filed with the proper authorities against anyone who violates this section.
- C. **The fine for violation of Section 98 - 40 - 2: A shall be \$200.00 and suspension of membership privileges for a period of sixty (60) days.**

#### Section 98 - 40 - 3 Interfering with or harassing the Public Safety Officer or any B.L.C.A. Board Member, Employee or Volunteer - amended effective 6/10/14

- A. Any individual who interferes with or harasses a Public Safety Officer, or any B.L.C.A. Board member, employee or volunteer while working or acting on behalf of the association shall be in violation of Section 98 - 40 - 3.
- B. Criminal charges may be filed with the proper authorities against anyone who violates this section.
- C. **The fine for violation of Section 98 - 40 - 3: A shall be \$100.00 and suspension of membership privileges for a period of sixty (60) days.**

#### Section 98 - 40 - 4 Vandalism - amended effective 6/10/14

- A. Any individual committing vandalism on B.L.C.A property shall be subject to prosecution, fines and/or membership suspension for up to one year. An individual commits the offense of vandalism if he/she:

1. Damages or defaces property of the B.L.C.A. intentionally, recklessly, or by negligence
2. Intentionally or recklessly tampers with tangible property of the B.L.C.A. so as to endanger person or property

**B. The fine for violation 98 - 40 - 4 shall be \$300.00 per offense, plus restitution of the costs to replace or repair damaged property.**

### **Section 98 - Subsection 50 - General Violations**

#### **Section 98 - 50 - 1 Alcoholic Beverages Prohibited**

- A.** Alcoholic beverages are not permitted on the lakes, beaches, pool, parking lots, road or any common area within Birchwood Lakes. The only exception will be for functions approved by the Board of Directors in writing.
- B. The fine for violation of Section 98 - 50 - 1 shall be \$50.00.**

#### **Section 98 - 50 - 2 Bicycles - amended effective 6/10/14**

- A.** Every person operating a bicycle, skateboard, rollerblades, scooters, or similar device, shall ride the same as far as practicable to the right side of the roadway, except when making a left turn.
- B.** Every Person operating a bicycle, skateboard, rollerblades, or involved in any recreational activity shall not block or interfere with traffic flow on any roadway.
- C.** Every person operating a bicycle after dark shall equip the bicycle with a headlight and taillight.
- D.** Every person operating a bicycle shall wear a safety helmet at all times.
- E. The fine for violation of Section 98 - 50 - 2: A, B or C shall be \$25.00.**

#### **Section 98 - 50 - 3 Possession of firearms on B.L.C.A. property – amended effective 9/16/14**

- A.** It shall be unlawful to be on any road or Birchwood Lakes Community Association property while in possession of any firearm, bow and arrows, BB gun, Pellet Gun or any other device capable of propelling a projectile of any kind. The only exception to this regulation shall be individuals who are law enforcement officers and/or individuals who have a license to carry permit under the laws of the Commonwealth of Pennsylvania.
- B.** It shall be unlawful to be in possession of any firearm, bow and arrows, BB gun, Pellet Gun or any other device capable of propelling a projectile of any kind while in any Birchwood Lakes buildings, Pool, Playground, Lakes or Beach areas or any other recreational facility.
- C. The fine for violation of Section 98 - 50 - 3: A shall be \$250.00.**

#### **Section 98 - 50 - 4 No hunting on B.L.C.A. property**

- A. No hunting** of any type is permitted on Birchwood Lakes Community Association property, including private properties within the development.
- B.** Any individual(s) who violate this regulation will be reported to the Pennsylvania Game Commission.
- C. The fine for violation of Section 98 - 50 - 4: A shall be \$1,000.00.**

#### **Section 98 - 50 - 5 Discharging of firearms on B.L.C.A. property - amended effective 5/1/05, 6/10/14**

- A.** No individual(s) shall discharge any firearm, bow and arrows, BB gun, Pellet Gun or any other device capable of propelling a projectile of any kind, on Birchwood Lakes Community Association property, including private properties within the development.
- B. The fine for violation of Section 98 - 50 - 5 shall be \$1,000.00.** and will be referred to the appropriate Federal, State, and/or local authorities.

#### **Section 98 - 50 - 6 Noise Disturbance - amended effective 9/8/06**

- A.** During the quiet hours of 10 P.M. to 7 A.M. Monday through Thursday, 11pm - 7am Friday, 11 P.M. to 8 A.M. weekends and holidays, residents, guests and contractors shall minimize the noise level and shall refrain from the use of, but not limited to, power equipment, construction equipment and loud audio equipment.
- B. The fine for violation of Section 98 - 50 - 6 shall be \$100.00**

**Section 98 - 50 - 7 Animals - amended effective 5/1/05, 4/14/15**

- A.** *All animals shall not be permitted to run at-large.* When the animal(s) is off of the owner's property, the animal(s) shall be leashed and under the control of the owner or a responsible person at all times.  
**Definition:** "At-large," shall mean any animal(s) that is loose within the community. Any incidents shall be dealt with accordingly and the appropriate animal control officer shall be notified. *Note: Animal owners shall be held responsible for any damages caused by their animals.*
- B.** All dogs are required to have current rabies vaccinations, dog licenses and the dog owners identification attached to the dogs collar.
- C.** All cats are required to have a current rabies vaccination.
- D.** No cattle, livestock or poultry of any kind shall be raised, bred or kept on any property within the community.
- E.** Owners shall be responsible for cleaning up after their pets. All wastes shall be properly disposed of.
- F.** Animal Cruelty Law: *In accordance with the Pennsylvania Crimes Code, Subsection 5511, Item C, Cruelty to Animals -A person commits a summary offense if he wantonly or cruelly ill-treats, overloads, beats, otherwise abuses any animal, or neglects any animal as to which he has a duty of care, whether belonging to himself or otherwise, or abandons any animal, or deprives any animal of necessary sustenance, drink, shelter or veterinary care, or access to clean and sanitary shelter which will protect the animal against inclement weather and preserve the animal's body heat and keep it dry.*
- G.** No person(s) residing within Birchwood Lakes Community Association shall own, possess, harbor, or control any animal or bird which makes noise continuously and/or incessantly for a period of ten minutes or makes such noise intermittently for one half hour or more to the disturbance of any person(s) at any time of day or night regardless of whether the animal or bird is physically situated in or upon private property, thus said noise shall be a nuisance; provided that at the time the animal or bird is making such noise, no person(s) is trespassing or threatening to trespass upon the situated areas, nor is there any other legitimate cause which justifiably provoked the animal or bird.
- H.** **The fine for any violation of Section 98 - 50 - 7: shall be \$75.00**

**Section 98 - 50 - 8 Feeding Wildlife Prohibited – amended effective 2/13/15**

- A.** It shall be prohibited to place or offer any food or enticement on any property located within BLCA which results in attracting and feeding, deer, bear, waterfowl, turkey and feral cats.
- B.** **The fine for violation of Section 98 - 50 – 8 A shall be \$25.00.**

**Section 98 - 50 - 9 Burning - amended effective 5/12/06; 4/14/15**

- A.** No uncontained outdoor fires shall be permitted in Birchwood Lakes
- B.** Uncontained fires are defined as:
- a. Campfires
  - b. Bonfires
  - c. Burning of leaves
- C.** Fires contained within metal or permanent masonry fireplaces or wood burning appliances shall be permitted on private property under the following conditions:
- a. The appliance shall have a hearth area of less than four square feet.
  - b. The appliance shall be equipped with a spark arresting device or screen.
  - c. The appliance shall be operated at least 15 feet from flammable material such as leaves, sticks, or flammable liquids.
  - d. The appliance shall be attended at all times by an adult.
  - e. Fire extinguishing equipment, i.e. hoses, fire extinguishers, etc. shall be readily available for use.
  - f. The appliance shall be designed for the purpose of cooking or providing warmth.
  - g. The appliance shall be used to burn only dry wood or charcoal and must be used per manufacturer's directions.
- D.** Burning of trash or construction debris is strictly prohibited.
- E.** All burning is prohibited during periods of high winds or during a NWS high wind advisory.
- F.** All burning is prohibited during a Township and/or County ordered burning ban.
- G.** The association shall have the right to suspend the use of the appliance should the smoke, ash or smell emitting from this appliance become an objectionable nuisance to neighboring property owners.
- H.** This rule does not apply to gas or charcoal fired barbeque grills.

- I. **The fine for violation of 98-50-9 shall be \$100.00 first offense, \$300.00 second offense and subsequent offenses \$500.00.**

**Section 98 - 50 - 10 Rentals/Leasing\* - amended effective 4/12/13**

- A. All Birchwood Lakes homeowners are required to register their tenants with the Association office in accordance to our **By-Laws Article IV-Membership, Section 4: Tenant Privileges.**
- B. **Violation of any of the rules as outlined within this Section 98-50-10: Rentals and Leasing will result in a citation for each infraction. Each violation will be a fine of \$300.00 the first month, \$100.00 every month thereafter.**

**Section 98 - 50 - 11 Renters Public Insurance Required\***

- A. All owners who are renting their homes, which are situated within the B.L.C.A. shall carry renter's *public* liability insurance and shall show proof of the current liability insurance policy to the B.L.C.A. office. Upon the expiration of the liability insurance policy, it is the property owner's responsibility to show proof and the coverage period of the new rental insurance policy.
- B. **The fine for violation of Section 98-50-11 shall be \$300.00, with 30 days to submit required proof of insurance. Noncompliance will result in an additional fine of \$300.00, with 30 days to comply, so that repeated noncompliance will result in a fine of \$300.00 every 30 days.**

*\*These sections shall not apply to those homes occupied by blood related, immediate family members of the legal owner of property. Immediate Family shall mean: son/daughter; brother/sister; mother/father; and shall include their spouses only when permanently residing with immediate family member occupying home. If the resident's last name differs from the legal owner's last name, it would be beneficial to the resident to register with the BLCA office in the event emergency assistance is required. The office and/or security can then locate the residence easily to assist the emergency personnel.*

**Section 98 - 50 - 12 Untidy/Unsightly Properties - amended effective 10/11/13, 2/13/15, 9/11/18, 2/9/19**

- A. Members shall maintain their lot in a neat, clean and orderly condition. \*Examples of violations include but are not limited to: any item in significant disrepair; overgrown grass/weeds on the lot; storage of discarded items such as household furnishings, appliances, motor vehicles and vehicle parts, etc.; bulk items as defined as Garbage-Solid Waste Disposal namely garbage, rubbish, trash, litter, construction debris, tires, yard waste; visible storage of excessive and/or broken home maintenance equipment, building materials, etc.; broken lawn furniture or furniture intended for indoor use.

If, in the opinion of BLCA Public Safety and Administration, the lot is untidy or unmaintained, a written warning shall be sent to the member allowing thirty (30) days, ten (10) days for overgrown grass/weeds, to comply, after which a citation shall be issued if the condition is not corrected.

- B. **If violation is not resolved within 30 days or 10 days for overgrown grass/weeds, fine will be \$50.00 each month for the first two months and the third month and thereafter it will be \$100.00 a month until resolved to the satisfaction of the Association.**

**Section 98 - 50 - 13 Health, Sanitation and Littering - amended effective 5/13/11, 2/8/14, 6/10/14, 4/14/15**

**Definition:** Solid Waste shall be defined as ashes, garbage (animal and vegetable wastes resulting from the handling, preparation, cooling or consumption of food), rubbish (glass, metal, paper, plant growth, wood and non-decaying solid waste), solidified liquids, gas, oil, antifreeze or any other corrosive material human or animal wastes.

- A. The accumulation, dumping or depositing of solid wastes, as defined herein, on the ground, or otherwise out of doors, on any lot, the roadways, common areas, bodies of water or other property within Birchwood Lakes is prohibited except as provided herein.
- B. No household trash or garbage shall be placed in B.L.C.A. containers at the recreation areas or the office. Private sanitation service must be arranged for by each member.
- C. All waste, trash, garbage, etc. shall be kept in covered containers, properly secured to prevent animals from scattering it. The disposition of the trash shall be the responsibility of the resident/owner.
- D. Household garbage strewn by animals can be cleaned up by the maintenance staff. The office will contact the homeowner, the homeowner must give approval for the maintenance staff to enter the property. The homeowner will be charged \$50.00, in lieu of a citation.

- E. Preparation for Collection: It is recommended that trash is put out no later than 5:30 am on your scheduled pick up day, to be sure of timely trash removal. The collection and disposal of hazardous wastes, as defined by the Department of Environmental Protection, shall be in accordance with state regulations. Questions as to the nature of such wastes and the method of disposal of same should be referred to the individual hauler or the DEP.
- F. Any one found littering will be subjected to fine in Section H.
- G. Dumpsters must be registered with the BLCA office. The dumpster may remain on the property for the duration of the construction, or a maximum of 3 months. Extensions may be permitted on a case by case basis with proof of ongoing construction. Loose/small debris must be secured within the dumpster to avoid spillage. *(new regulation effective 2/8/14)*
- H. **Penalty: Any person, firm, corporation or partnership who shall violate the provisions of Section 98 - 50 - 13: A, B, C, D, E, F or G, shall pay a fine of \$300.00 per offense plus the cost of pickup and proper disposal of the solid waste by a licensed hauler as applies.**

**Section 98 - 50 - 14 Leaves – amended effective 4/14/15, 2/9/19**

- A. Raking, blowing or otherwise depositing leaves and/or any other debris in the lakes, roadway, culvert or ditch areas is strictly prohibited.
- B. **The fine for violation of Section 98 - 50 - 14 shall be \$50.00.**

**Section 98 - 50 - 15 Fireworks and Other Explosive Devices - amended 10/12/12, 6/12/18**

- A. Fireworks and other explosive devices are not permitted in the Birchwood Lakes community Association.
- B. **The fine for violation of Section 98 - 50 - 15 shall be \$100.00. Second & subsequent offenses shall be \$1,000.00.**

**Section 98 - 50 - 16 Signs - amended effective 5/1/05, 1/11/17**

- A. In accordance with the B.L.C.A. Deed Covenants and Restrictions, signs are not permitted, except for street signs, house address signs, resident name signs.
- B. Each homeowner shall properly display a 911 sign, in accordance with Delaware Township Ordinance.
- C. **The fine for violation of Section 98 - 50 - 16: A shall be \$25.00.**  
**The fine for violation of Section 98 - 50 - 16: B shall be 1<sup>st</sup> offense – Warning – 60 days to correct. After 60 days - \$100 one-time fine.**

**Section 98 - 50 - 17 Limitations on Tree Removal - amended effective 9/10/10, 12/11/10, 6/10/14, 11/10/16**

The BLCA Tree Guidelines are intended to preserve the natural beauty and character of our community and to protect our property values. Therefore, the Association will only allow the removal of trees on residential lots in the community if there will be no adverse impact on the community or the environment.

- A. Except for guidelines, no person shall remove any trees over 5 (five) inches in diameter without first obtaining approval in writing from the BLCA office.
  1. A Member may remove one tree per year at Members discretion. Prior to removal a Tree Removal Notification Form must be completed and submitted to the BLCA office.
  2. Any request to remove more than 1 (one) tree (over 5 inches diameter at the base) per year will require inspection and approval by a BLCA Board member followed by approval of the Board of Directors.
  3. In the event of an emergency, a BLCA staff member may inspect the tree(s) to be removed and upon confirmation that it is an emergency situation, approval will be given immediately.
- B. Prior to inspection by a BLCA Board member or staff member, all trees must be conspicuously flagged, and property boundary markings identified. The total number of trees to be removed must be noted on the Request Form along with a detailed reason for removal of each tree. Trees will be approved for the following reasons only:
  - a. The tree is dead with no leaf growth over the past six-month period.
  - b. The tree has been severely damaged by storm or other natural occurrence.
  - c. The tree is a threat to a home, including decks, sheds, garages and septic systems.



d. Trees need to be taken down for new construction (house, shed, garage, septic, perk test, etc) or landscaping.

C. No trees are to be removed for construction projects until all well, septic, and other applicable zoning and building permits and approvals are in place from the Township and BLCA, including a Tree Removal Request Form.

- A Tree Removal Request Form must be approved before any construction may begin and must include the exact number of trees to be removed.
- In the event that a new building or other structure is not completed for any reason, all trees that were removed for this construction must be replaced. BLCA will require replacement with native trees 6.0' in height and 1.5" in diameter measured one foot above finished grade. BLCA will determine the placement of replacement trees based on trees indigenous to the area to be completed within six months of violation and at violator's sole cost.

Penalties:

D. Each tree removed or damaged shall constitute a separate offense. In addition, any member or tenant who, in violation, causes a tree to be removed or damaged shall repair or replace the tree at the violator's sole cost and expense within six months of violation. The location and planting specifications for replacement trees shall be approved by BLCA prior to replanting.

1. Violations of A1 shall be fined \$25.00
2. Violations of all other guidelines shall be fined \$350.00

### **Section 98 - 50 - 18 Dangerous & Abandoned Structures – New regulation effective 9/8/17**

#### **98-50-18a – Dangerous Structures**

##### **Restoration of Dangerous Structures**

In the event of total or partial destruction of any dwelling/structures on a plotted lot by fire or other disaster or casualty rendering such dwelling/structure unusable or unsafe for normal and reasonable habitation or use, by a vote of the Board of Directors, the owner shall be responsible for taking all action necessary to restore the dwelling to its original or equivalent condition, or to restore the lot to its original unimproved state with respect to grade, clearance of obstructions and removal of debris. In the event of total or partial destruction as set forth above, the lot in question shall be immediately made safe by taking any and all measures to secure the structure and property until such time as the lot is restored to its original improved or unimproved condition, and the lot owner files plans and commences meaningful action to restore the dwelling. Until required permits are filed with the Association and meaningful action commenced, said property shall be deemed unsafe until restoration is complete.

#### **98-50-18b – Abandoned Structures**

Any dwelling/structure deemed abandoned, unsafe, unusable and/or an attractive nuisance for normal and reasonable habitation or use, by a vote of the Board of Directors, the owner shall be responsible for finishing construction of the dwelling/structure or to restore the lot to its original unimproved state with respect to grade, clearance of obstructions and removal of debris. The lot or dwelling/structure in question shall be immediately made safe by taking any and all measures to secure the structure and property until such time as the lot is restored to its original improved or unimproved condition, and the lot owner files plans and commences meaningful action to restore the dwelling. Until required permits are filed with the Association and meaningful action commenced, said property shall be deemed unsafe until restoration is complete.

#### **Failure to comply with 98-50-18a and/or 98-50-18b**

Upon notification from BLCA that a structure is deemed unsafe, the property owner has 15 days to make the structure safe.

If a member can demonstrate reasonable efforts have been taken to remediate the structure and lot they may submit a request for extension of the time limit. Request for extension should be made in writing to the Board of Directors and supported by evidential paperwork.

Fine 98-50-18a and 98-50-18b Unsafe: If the property is not made safe within 15 days after notification from the BLCA Office the fine shall be \$ 500. After an additional 45 days the fine shall be an additional \$500 per month until the lot deemed safe.

98-50-18a and 98-50-18b Restorative/Corrective Action: If no restorative/corrective action is completed within 6 months after notification from the BLCA Office the fine shall be \$500. After an additional 90 days the fine shall be \$500, and every 90 days thereafter.

If no corrective action is taken BLCA may take legal action. Such legal action shall additionally seek to hold the lot owner responsible for all legal costs and expenses incurred by BLCA.

**Section 98 - 50 - 19 Construction Permit – amended effective 10/11/08**

- A. In accordance with the Association’s Covenants & Restrictions, no structure or building of any sort shall be moved to, erected, or constructed until a complete set of plans and specifications have been submitted to and approved in writing by B.L.C.A. All owners must complete a BLCA application and submit their approved plans from Delaware Township with any applicable approved permits from Delaware Township to the BLCA office. A BLCA permit will be issued upon review and approval of all paperwork applicable.
- B. In case of an emergency septic repair, the Delaware Township Permit # must be provided to the office. Once the repairs have been completed and inspected by Delaware Township, a copy of the Township permit must be provided to the BLCA office on the first business day when permit is issued.
- C. The property owner is responsible for any damages to BLCA roadways and will be held liable for the actual costs of any repairs necessary.
- D. **Failure to submit completed BLCA application and proper documentation to the BLCA office prior to commencement, shall result in \$100.00 fine with 15 days to comply. After 15 days, there shall be a \$10.00 per day charge for each day that the violation continues.**  
BLCA Construction Permit will not be issued unless all amounts due are paid in full.
- E. Project must be completed within two (2) years from date of permit.
- F. **Member shall be fined One Thousand Dollars (\$1000.00) per month thereafter until the Project is completed.**
- G. Completion shall be defined as the date a Certificate of Occupancy is obtained from the Township. Contractor shall present a copy of the Certificate of Occupancy to the Community Manager within ten days of acquiring same. Fine will be levied until the Certificate of Occupancy is provided to BLCA.

**Section 98 - 50 - 20 Resale Certificates - amended 1/1/11, 1/1/18**

As required by Pennsylvania’s Uniform Planned Community Act, a Grantor (Seller) must provide a Grantee (Buyer) with a Resale Certificate prior to the transfer of a Birchwood Lakes property. Resale Certificates can be purchased from the Birchwood Lakes Office for the following fee:

- \$200.00 if requested 10 days prior to the date needed
- \$250.00 if requested within 10 days of the date needed, or if issued  
by the Association following the transfer

It shall be the duty of the Seller to obtain the Resale Certificate from the Birchwood Lakes office and supply it to the Buyer prior to the transfer of the property. If the Seller fails to obtain the Resale Certificate prior to the transfer, and provide it to the buyer, a \$100.00 fine shall be levied against the seller of property plus the cost of \$250.00 for the Resale Certificate and the Association shall issue a Resale Certificate.

**Section 98 - 50 - 21 Frivolous Complaints**

- A. Failure to attend a required hearing as a witness due to individual’s filing of a complaint which initiated a citation against another individual with no legitimate emergency reason for non-appearance such as death in the family or car break down. Documentation to back-up the reason for non-appearance is required within 3 days of the hearing date to avoid the complaint being considered frivolous.
- B. Individuals who file complaints repetitively and are not proven or unfounded are considered frivolous complaints.  
**The fine for violation of A or B shall be \$50.00 and charged as an Administrative Fee.**

**Section 98 - 50 - 22 Temporary Structures** - *New regulation effective 5/1/05, amended 2/8/14*

- A. Only one (1) temporary structure (car shelter, canopies, etc) will be allowed and must conform to original setback of house requirement.
- B. Summer structures i.e. screen houses, blow-up pools, fly tents etc., shall be exempt from the limit of “1 temporary structure” for the summer season May 1<sup>st</sup> through October 1<sup>st</sup>. All other limitations shall apply.
- C. **The fine for violation of Section 98 - 50 - 22 shall be \$25.00. After 30 days, an additional \$25.00 will be charged for every 30 days thereafter.**

**Section 98 - 50 - 23 Snow Removal** – *New regulation effective 9/8/06, amended 10/14/14, 4/14/15*

- A. Shoveling, plowing or otherwise depositing snow on to any roadway is prohibited.
- B. **The fine for Section 98-50-23 shall be \$50.00.**

**Section 98 - 50 - 24 Temporary Storage Containers** – *New regulation effective 10/11/08*

- A. Temporary storage container shall be defined as a container, cargo box, storage trailer, or any container rented solely for the purpose of temporary storage.
- B. Permit is required for all storage containers as defined by this rule.
- C. Permit is valid for thirty days, with two renewals allowed for a total of ninety days.
- D. Storage containers must be removed after ninety days.
- E. **The fine for violation of Section 98 – 50 – 24: shall be \$25.00 for initial violation, \$5.00/day for each day storage container is present without a permit.**

**Section 98 - 50 - 25 Nuisance** – *New regulation effective 10/11/08*

- A. No member, nor the tenant, guest or invitee of a member shall participate in any activity in the community deemed to be a nuisance. For purposes of this section, a nuisance shall be defined as conduct causing an intentional and unreasonable invasion of another person’s private use and enjoyment of their property.
- B. **The fine for violation of Section 98 - 50 - 25 a warning letter identifying the violation and demanding immediate abatement of the nuisance shall be issued for the first offense of this section.  
Second Offense shall be subject to a fine of \$200.00  
Third Offense shall be subject to a fine of \$300.00**

**Section 98 - 50 - 26 Septic Tank Maintenance** – *New regulation effective 9/18/09, amended 4/10/10,  
amended effective 5/13/11, 6/10/14*

Definition. The Deeds & Covenants request each homeowner to properly maintain their septic system. To ensure a clean environment, the Community is instituting a mandatory schedule of inspections and pump-outs.

- A. Beginning June 1, 2010, every homeowner must have their septic system inspected or pumped out every 5 years.
- B. Septic tanks shall be cleaned by a qualified pumper/hauler.
  - 1. New homes built and occupied during 2009 may wait until June 1, 2014 for the first inspection.
  - 2. Homes with septic tanks pumped during 2009, may wait until June 1, 2014 for next inspection or pump-out.
  - 3. Homes with septic tanks pumped during 2008, may wait until June 1, 2013 for the next inspection or pump-out.
  - 4. Homes with septic tanks pumped during 2007, may wait until June 1, 2012 for the next inspection or pump-out.
  - 5. Homes with septic tanks inspected or pumped-out during 2006 must have inspections and/or cleaning by June 1, 2011.
  - 6. Homes with septic tanks inspected or pumped-out in 2005 or prior must be done by December 31, 2010.
- C. At the beginning of the program the homeowners will have until December 31, 2011 to provide documentation from a licensed PA company to the Association office. Documentation should be a receipt from the pumper/hauler with the date of inspection or cleaning.
  - 1. **Any homeowner who violates this regulation will be fined \$250.00 (two hundred fifty dollars) the first month and \$50.00 (fifty dollars) each month until compliance.**

2. **The Association will issue a warning for failure to comply with the above and will allow three (3) months for compliance.**
3. **Failure to provide documentation that septic inspection/cleaning was completed in accordance with the above regulations will result in a \$25 fine.**

### RESOLUTION NO. 1-1992

“GUEST” and “FAMILY” members eligible for the use of guest or family passes shall not include members of the Association who are not members in good standing. That is, a member not in good standing may not gain access to the facilities of the B.L.C.A. by acquiring a guest or family member pass from a friend or relative who is a member in good standing.

- A. Violations of this regulation shall be punishable by a fine to be assessed against the party giving the pass.
- B. Any member who is not in good standing and is found using the facilities will be fined.
- C. Any member who loses their badge (s) must notify the office immediately.
- D. **The fine for violation of Resolution No. 1-1992 : A shall be \$100.00.  
The fine for violation of Resolution No. 1-1992 : B shall be \$50.00.**

**Repeat violations shall be subject to suspension of membership privileges for a period of sixty (60) days.”**

### Section 98 - Subsection 60 - Recreational Areas Rules and Regulations

- (1.) All recreational areas are to be used at their own risk. Only members in good standing, their families and guests are entitled to use the common areas and facilities of the development subject to the Rules and Regulations.
- (2.) The pool and any designated beach swim area are available only to members in good standing, and their guests for swimming when a lifeguard is on duty. Swimming at any time when there is not a lifeguard on duty shall be at your own risk.
- (3.) Every person must present proper identification, (membership badge), before using any BLCA facility. Your identification badge shall be displayed at all times.
- (4.) Lifeguards and their supervisors are fully responsible for the conduct of all persons using the pool and beaches. At their discretion, disciplinary action and other measures may be enforced to maintain the proper conduct and safety for the enjoyment of all the people using the pool and beach areas.
- (5.) Lifeguards are completely in charge of swimming areas, their instructions must be obeyed.
- (6.) Tubes, swim masks, scuba-diving equipment, etc., are not permitted in the pool. For non-swimmers, arm floaters and/or coast guard approved life jacket floating vests may be used in the pool, shallow end only, and the lake provided the non-swimmer is accompanied by an adult swimmer while in the water. *(amended effective 6/8/12, 4/14/15)*
- (7.) All non-swimmers or children under ten (10) years of age must be accompanied by an adult swimmer and/or a responsible adult at all times while in the pool or pool enclosure; or under thirteen (13) years of age swimming at the beaches. *(amended effective 5/13/16)*
- (8.) No smoking is permitted within the confines of the pool fence and gates. *(amended effective 6/13/09)*
- (9.) No glass containers are permitted at the pool, beach areas, playground areas, basketball courts, tennis courts and recreational areas. Glass containers may be permitted in the clubhouse assembly area only if approved by the Board of Directors.
- (10.) All accidents must be reported to the lifeguards and to the Birchwood Lakes office.
- (11.) Birchwood Lakes is not responsible for any valuables left at the common areas, i.e., pool, beach bathhouses or recreation areas.
- (12.) No throwing of any objects, i.e., frisbees, balls, etc.) is permitted in any swim area.
- (13.) No animals are permitted in the pool enclosure at any time. Leashed pets are permitted at all common areas between Labor Weekend and Memorial Weekend. Beach 2 is allocated as a dog-friendly beach all-year around. All owners must pick up after their pets. *(amended effective 9/16/14)*

- (14.) Diving is not permitted in the pool at any time.
  - a. Racing dives are permitted during swim team practice only. (*amended effective 7/31/09*)
- (15.) No diving from any floating dock.
- (16.) Running, shoving, pushing and horseplay will not be tolerated.
- (17.) No congregating around ladder areas or the lifeguard chairs.
- (18.) Socializing with or otherwise distracting a lifeguard while he or she is on duty, is prohibited.
- (19.) Loud music playing is prohibited. (*amended 4/14/15*)
- (20.) Swimmers may not swim beyond the rope markers and will strictly adhere to the lifeguard's instructions.
- (21.) Children of diaper age must wear diapers with plastic pants or a swim diaper in the pool and beach areas.
- (22.) Association schedule has preference in use regarding facilities. All others have a three hour time limit on the baseball field and a one hour time limit on the tennis courts.
- (23.) All trash must be properly disposed of before leaving the pool and beach areas or any common area.
- (24.) Unauthorized persons are not allowed in pool maintenance, filtration, chlorination or chemical storage areas. No smoking is permitted in any of these locations.
- (25.) Fishing is not permitted in any designated swimming area or from any beach area.
- (26.) No watercraft of any type shall be permitted in any swimming area. All water craft must stay a minimum of fifty (50) feet away from any designated swimming area. (*amended 4/14/15*)
- (27.) Diving from any water craft is strictly forbidden.
- (28.) All water craft, including canoes, must be removed from the lakes and beach areas except where private docks are available or they may be stored at B.L.C.A. designated locations at your own risk.
- (29.) Posted hours of operation for all common and recreational areas must be complied with.
- (30.) Proper attire and conduct is required at all recreational facilities.  
**The fine for violation of Section 98 - 60 - Items 1 through 30 shall be \$25.00 and possible suspension of membership privileges for a period of sixty (60) days.**
- (31.) Pulling a fire alarm at the BLCA Community Clubhouse when there is no emergency (fire) is prohibited. The member or person reserving the clubhouse will be held responsible.  
**The fine for this violation shall be \$500.00.**
- (32.) Prohibits members from installing, placing or using privately owned swim platforms and/or water trampolines in any of the four BLCA lakes. (*new regulation effective 7/10/10*)  
**The initial fine for this violation is \$250.00, plus an additional \$50.00 per day that the offending structure is not removed.**

**Section 98 – 60 - 36 Fishing and Boating Information – *amended 10/12/12, 10/14/14***

**Fishing**

Our lakes are private, and they are for the use and enjoyment of our members in good standing and their guests. However, the lakes are subject to the state laws and therefore a valid fishing license is required by anyone sixteen (16) years of age and older. Current B.L.C.A. badges must be worn at all times while using the facilities.

**Boating**

- A. Boating on B.L.C.A. lakes are limited to sail boats, kayaks, rowboats, bass boats, canoes, paddleboats, and Coast Guard approved inflatables. No watercraft may exceed sixteen (16) feet in length. Gas powered motors are not permitted, except by B.L.C.A. personnel in emergency situations only. Boats utilizing electric motors must be registered with the State that the boat is primarily used in. The maximum electric motor size permitted on our lakes is 5 h.p.! All boats are required to have a boat capacity plate, which is permanently mounted *to the hull*.
- B. No boats shall be permitted on the lake that have a petroleum powered motor that is installed, attached or carried within.
- C. No boats shall be permitted on the lakes carrying any type of petroleum container.
- D. Any boat abandoned (i.e. no identification) shall be moved to a storage area. If not claimed within 90 days the boat becomes BLCA property to be dispensed with as seen fit.
- E. **The fine for any violation of the boating section A, B, C & D shall be \$100.00.**

**Boat Registration**

All boats used on B.L.C.A. lakes, even those kept on private docks, shall be registered with the Association. B.L.C.A. boat registration applications are available at the Association Office. Any member or their guest(s) who

uses the B.L.C.A. lakes without a valid B.L.C.A. registration sticker may be subject to a \$25.00 fine. Any individual(s), who is not a valid member of the association, who utilizes our lake(s) for boating or fishing shall be cited for trespassing and be subject to a fine of \$100.00.

**WARNING:**

The Pennsylvania Fish and Boat Commission actively enforces all of the Fish and Boat Code, Act 1980-175 PA, C.S., and the regulations promulgated by the Pennsylvania Fish and Boat Commission as authorized by that law, on all Birchwood Lakes water bodies.

For example, a wearable PFD, (Personal Flotation Device), i.e., life jacket is required for each person on board all boats. A throwable flotation device (Type IV - seat cushion or ring buoy) can no longer be used as a substitute for a wearable device. Boats 16 feet in length or longer are required, in addition, to have one throwable device on board. Canoes and kayaks, regardless of length, are not required to carry a throwable flotation device. All children, twelve years old and younger and non-swimmers must wear a PFD, (Personal Flotation Device) at all times while underway on all Commonwealth waters. Underway includes drifting boats. Also, all boats under 40 feet must have some means of making an efficient sound signal. (A referee whistle or air horn is acceptable)

The Pennsylvania Fish and Boat Commission will actively issue a citation to anyone in violation of the Code. A copy of the Boating Handbook may be obtained by calling the Fish Commission NE Regional Office at 570-477-5717.

**Section 98 - 60 - 37 Catch & Release Program – New regulation 1/12/13**

Effective January 1, 2013, Birchwood Lakes Community Association, Inc., has instituted a Catch and Release Fishing Program in all our four of our lakes.

- A. Includes all fish species, no exceptions
- B. Applies to all four lakes (Upper, Lower, Middle and East)
- C. The fine for this violation shall be \$100.00 per fish.**

**Section 98 – 60 – 38 Ice Fishing – New Regulation 1/14/17**

- A. Ice fishing is permitted “at your own risk” on all four BLCA lakes. Ice fishermen must comply with all PA Fish & Boat regulations. Licenses and BLCA badges must be clearly visible on outer clothing or hats.
- B. Ice fishing is not permitted after sunset.
- C. The BLCA Catch & Release Program also applies to ice fishing.
- D. The fine for this violation of Section 98 – 60 – 38: B shall be \$200.00.**

## **B.L.C.A. Fee Schedule**

**The following Fees are in addition to the fines that are listed in the Rules & Regulations.**

1. A fee of \$40.00 shall be levied against any person who writes Birchwood Lakes a check which is returned for insufficient funds. (3/90, 5/01, 1/11)
2. Faxes - \$1.00 per page. (5/15)
3. Copies - 0.25 cents a page. (5/15)
4. The Board of Directors voted to change the interest rate to 15% (1.25% per month). (11/95, 1/11)
5. The Board of Directors voted to charge interest on Special Assessments – 15% (1.25% per month). (1/11)

**A COLLECTION FEE of \$300.00** will be charged to each member's account that is processed for collection action.

If the complaint amount is paid in full prior to a court hearing, half the fee, \$150.00 will be credited to the account. If a payment plan is initiated and successfully completed with or without a civil complaint being filed, half the fee, \$150.00 will be credited to the account. This Collection Fee is to cover the costs of administration to obtain the owner's deed, prepare the account information, prepare the complaint for filing, attorney's costs, etc. (12/92, 4/01, 1/11, 1/13)

All collection fees, court costs and applicable attorney fees will be paid by the member and/or violator.

**A PAYMENT PLAN REVERSAL FEE OF \$30.00** will be charged on any member's account that defaults on their payment agreement by becoming 90 days delinquent. The payment agreement will be voided and the remaining full amount of dues will become due immediately. Due to the member's default, the payment agreement will not be reinstated for that fiscal year. (March 7, 2003)

### **ANNUAL LATE FEE**

Annual Dues are payable by May 1<sup>st</sup> of each year. An annual late fee of \$50.00 will be assessed each year on June 1<sup>st</sup> to any member's account that is not paid in full or current on an approved payment plan. Any member who misses a payment on their agreement will immediately be assessed the annual late fee of \$50.00. (March 7, 2003, amended Feb. 8, 2014)

### **Fees for unpaid Citations:**

In the event a citation remains unpaid 30 days after date of certified mail receipt and if returned to the Association, the date mailed by the Association, there will be a \$20.00 charge added to the citation amount after to cover the cost of certified mail and administration costs. (amended August 2003, 6/10/14 & 5/12/15)

### **Tenant Occupied Homes:**

Tenant occupied homes are subject to an additional 50% in annual dues and a \$500.00 security deposit per the Association By-Laws. Security Deposits are not refunded until the outside premises are left clean and tidy. All homeowners must notify the office in writing when a tenant vacates their home. (5/1/04)

Please also refer to section 98-50-10 Rentals/Leasing and 98-50-11 Insurance Required.

### **Clubhouse Rental Fee:**

Any member in good standing may request the use of the clubhouse facilities, by requesting such use in writing including the date, times and purpose of said rental. Requests are honored based upon availability of facility and staff to perform necessary inspections and to open and close clubhouse. Rental fee shall be \$80.00 for 5 hours and an additional \$25.00 for each hour up to 6 hours total. There shall be 1 hour additional provided for set up. \$100 security deposit is required for each rental and a signed agreement must be received prior to the rental date with necessary payment. (amended 1/11, 5/15, 1/1/18)

### **Common Area Security Fee:** *New regulation 2/8/14*

Any member in good standing may request the use of the common areas, in particular the beaches, by requesting such use in writing including the date, times and purpose of said use. Requests are honored based upon availability of staff to perform necessary inspections. There shall be a \$100 security deposit required for each usage and a signed

agreement must be received prior to the usage date with necessary payment. No lifeguard will be supplied by BLCA for any event held at a beach outside of Recreation activities. The pool will not be available for individual member use. All trash must be removed. BLCA curfews will apply.

\*These agreements cannot prevent other members from the use of the common area.

**GATE CARDS** - revised 1/1/11, 5/12/15

Gate cards will be issued at (2) two per owner or residence.

Additional cards may be purchased for family members and/or additional vehicles registered to the property at a cost of \$15.00 each. (If a card is needed for a family member, an affidavit declaring the relationship and advising the homeowner that they will be responsible for the actions of the individual receiving the card must be signed by the homeowner. These additional cards will also be issued at a cost of \$15.00 each.) For non-family members gate cards will be \$35.00 each.

Outside public service companies that service the community on a daily basis can purchase a card for \$20.00. Outside public services are restricted to Delivery Services, transportation services and Utilities.

Real Estate companies and appraisers may purchase a card for \$50.00 with a yearly gate access agreement renewable for \$20.00 per card. Real Estate Agents must provide their license and proof of real estate employed with.

Contractors that service residents may purchase a card for \$50.00, renewable on an annual basis for a reduced cost of \$20.00. They must also sign an affidavit stating that it will be used for business purposes only and that should they be terminated from the issuing company for any reason, they will return the card. Should the cardholder be found to violate any of BLCA's Rules & Regulations or using the card for non-business purposes, their card will be revoked and deleted from the system. New cards will not be issued to them in the future.

Should a homeowner or outside service lose their card, a new card will be issued at a cost of \$15.00. This cost will cover the cost of the new card and the programming to delete the old card and activate the new card. Requests for new cards for outside services must be confirmed through their main office.

Should your card become damaged due to being put through a washing machine, etc. a replacement card will be re-issued at a cost of \$15.00 providing the damaged card is turned in to the BLCA office.

Registered tenants may obtain a gate card at \$10.00 each, (Maximum 2 per home). Additional family members shall be charged \$15.00 and \$35.00 for non-family members.

Gate cards may be mailed to owners upon a written request and payment of \$10.00 to cover the cost of certified mail.

All employees will receive a gate card at no cost. However, should the employee lose their card a replacement card will be issued at a cost of \$15.00.

Owners must notify the office in the event they are expecting any deliveries, contractors, etc to visit their home. This will authorize the BLCA office to provide the contractor, delivery, etc. access through the security gate in the event the homeowner cannot be reached. **ALL OTHERS WILL BE DENIED ACCESS AND WILL BE REQUIRED TO LEAVE THE PREMISES**

Emergency services will be provided with their own and gate cards. This will enable them with quick entry through our gate system for any emergency situation that arises.

**REMOTES** – New 10/9/15

Remote Control access devices are \$35.00 and ONLY available for members in good standing and deeded property owners.



**Fees for resales of property** - See Section 98 - 50 - 20 of Rules & Regulations

A Document Fee of \$200.00 for the request of documents, if requested 10 days prior to the date needed, pursuant to Act 1757, for sales of property.

A Document Fee of \$250.00 for the request of documents, if requested within 10 days of the date needed, or if issued by the Association following the transfer.

This fee includes per copy cost, office time, etc. (3/97, 4/01, 1/11, 1/18)

**Capital Improvement Fees (C.I.F.)**

The current C.I.F. for Improved Lots (Lots with Houses) shall be \$935.00. *(effective May 1, 2019)*

The current C.I.F. for Unimproved Lots (Lots without Houses) shall be \$467.50. *(effective May 1, 2019)*

The current C.I.F. for Adjacent Lots not in good standing under the Lot Improvement shall be \$25.00. *(effective July 12, 2011)*

The C.I.F. shall be deposited in the Reserves Fund, which is a restricted reserve account for new capital improvements or replacement of existing common elements. The C.I.F. may not be used for operation, maintenance (cost expenditures less than \$500.00 or other purposes.) The use of the Reserve monies may only be authorized by a vote of the membership.

No C.I.F. may be charged on a gratuitous transfer of a unit between any of the following family members: spouses, parent and child, brother and sister, grandparent and grandchild. Proof of the relationship must be provided to the Association.

No C.I.F. may be charged to any person who acquires a unit consisting of unimproved real estate, and signs and delivers to the Association at the time of such person's acquisition a sworn affidavit declaring the person's intention to reconvey the unit within 18 months of its acquisition. The re-conveyance must be completed within the stated 18 month period.

-End Fees-

**Rules & Regulations Citations, Appeals & Resolution Committee**

**Section 1: Citations** - amended effective 6/10/14

- A. Public notification of the Birchwood Lakes Rules and Regulations shall be mailed to all members of the Association.
- B. On behalf of the Association, the Public Safety Department, either contracted or employees and/or the Community Manager, shall enforce the provisions of the Birchwood Lakes Rules and Regulations.
- C. Any person receiving a citation for violating a specific code section shall be assessed for the violation in accordance with the fine schedule described for that section.
- D. Citation/fine(s) shall be payable and due at the BLCA Office within thirty (30) days from the date of the citation or date of mailing of the citation. Any citation/fine(s) not paid by this date shall become an automatic lien against said member's lot(s), as provided by law under the Planned Communities Act.
- E. The Board of Directors shall empower and authorize the BLCA staff to collect such Citation/fine(s). If the citation/fine(s) is not paid within thirty (30) days of the due date, the Association shall file the matter with the District Magistrate for processing and collection of said citation/fine(s). The Board, on behalf of the Association, may bring such actions as it shall determine appropriate at law or in equity, by way of imposition and foreclosure of a lien upon a member's lot(s) or otherwise, to collect the delinquent citation/fine(s) including any collection fee(s) to process for court, court and Sheriff's costs, reasonable attorney's fees and interest.
- F. Consistent with Article IV, Section 5 of the By-Laws, members shall be responsible for all damages or violations attributable to their immediate family, guests, tenants and invitees.

## **Section 2: Appeals** - amended effective 5/1/05, 6/10/14

- A. Any person/entity who receives a citation, or any person/entity who is held responsible for the actions of their tenants/family members/invitees and is responsible for payment of the citation(s) has the right to appeal the citation to the Resolution Committee in writing within 30 days from the date of receipt of the notification of the violation.
- B. The person/entity requesting the appeal shall be notified of the date, time and place of the hearing. He/she may have an attorney present at their expense, with prior notification to BLCA, witnesses or any other evidence to substantiate their case. BLCA will also have an attorney present only if there is an opposing attorney. (amended 12/8/12, 2/8/14)
  - 1) The person/entity requesting the appeal shall be limited to two (2) postponements, then the hearing will be held in their absence.
- C. All appeal hearings will employ the following procedures and standards:
  - 1.) Testimony and evidence will be limited to the violation in question.
  - 2.) Testimony and evidence will be heard from all parties concerned.
  - 3.) The person appealing the citation/fine(s) will be given an opportunity to present a case regarding the violation.
  - 4.) All hearings will be recorded to protect the members and the Association. The recording shall be retained for a period of one (1) year. (amended 2/8/14)
- D. In the event the person/entity does not attend the hearing, the hearings shall be held in their absence unless previously excused by the committee for good cause.
- E. If the decision of the Resolution Committee is to uphold the citation/fine(s), there will be a \$35.00 sur-charge per hearing for administration costs due to the appeal. The citation/fine(s) and administration fee(s) shall become due and payable within 10 days of notification of the decision. If the fine is not upheld and the violator is found not-guilty of violations, then there is no sur-charge fee.
- F. The Resolution Committee shall communicate its decision to the person/entity within ten (10) days of the closing of said hearing. Should the person/entity disagree with the Resolution Committee's decision, he/she may appeal such decision to the Board Review Panel for a procedural review as outlined in the Board Review Panel Purpose and Guidelines. A request for such appeal review shall be submitted in writing to the Board within ten (10) days of the notice date of the Resolution Committee's decision. The Board Review Panel cannot reverse the decision of the Resolution Committee unless the person/entity appeals the decision of the Resolution Committee to the Board Review Panel.
- G. The Board Review Panel shall schedule a review on said appeal, within 45 days upon receipt of appeal.
- H. The decision reached by the Board Review Panel will be final.
- I. The final outcome of the appeal hearings shall be a matter of public record.

## **Resolution Committee Purpose and Guidelines**

### **Purpose:**

**It shall be the focus of the Resolution Committee to effectively handle all appeals that are brought to its attention and to make a decision in an objective and timely manner in accordance with the Birchwood Lakes Community Association legal documents, i.e., Rules and Regulations, By-Laws, and the Deed Covenants and Restrictions.**

### **Guidelines:**

- A) The Board of Directors shall appoint a Resolution Committee who shall be members in good standing. The committee shall hear all appeals regarding all violations of the Birchwood Lakes Community Association's legal documents, i.e., Rules and Regulations, By-Laws, and the Deed Covenants and Restrictions.
- B) The Resolution Committee members shall not be members of the Board of Directors or employees of the Association or their immediate family members.

- C) The Resolution Committee spokesperson shall be selected by the committee members. The spokesperson shall not serve for more than two (2) consecutive years as spokesperson.
- D) A minimum of three (3) committee members must be available to hear the appeal.
- E) If any committee member has a conflict of interest with any person appealing, then that committee member must remove him/herself from the hearing panel prior to that particular appeal.

## **Board Review Panel Purpose and Guidelines**

### **Purpose:**

**To review any citation(s) appealed to the Board of Directors from a decision rendered by the Resolution Committee. It shall be the focus of the Board Review Panel to review all citation/violation appeals brought by appellants and to either uphold or overturn the citation(s) or refer the matter to the full Board, in an objective, impartial, fair and timely manner in accordance with the Birchwood Lakes Community Association legal documents (i.e.- Rules & Regulations, By-Laws and the deed Covenant & Restrictions).**

### **Guidelines:**

- A. The Board Review Panel shall consist of three (3) members of the Board of Directors, selected by the Board of Directors.
- B. The Board Review Panel shall conduct a procedural review of the Resolution Committee file of the appeal of the citation/violation, including the review of all documents, evidence and testimony presented at the Resolution Committee hearing, review of the citation/violation, review of the applicable Association rule/regulation/By-Law, etc., and other evidence which the panel deems relevant and appropriate.
- C. Appellants may NOT attend the review conducted by the Board Review Panel, but may offer written documentation or additional evidence pertaining to the incident/violation to be reviewed.
- D. A majority of the members of the Board Review Panel shall decide to uphold the decision of the Resolution Committee, overturn the decision of the Resolution Committee, or refer the matter for review of the full Board.
- E. Any Director who has a conflict of interest or prejudicial prior review or knowledge of said violation(s) shall not be a member of the Board Review Panel. The Board of Directors may select replacement member(s) of the Board Review Panel as it deems necessary or appropriated.
- F. All decision made by the Board Review Panel shall be provided in writing to the Appellant, with copies provided to the Board of Directors and Resolution Committee.

## **Alternative Dispute Resolution**

*(new 4/12/19)*

- A. The Association adopts this Section in compliance with the provisions of Act 2018-17 (H.B. 595), § 7, approved May 4, 2018, eff. July 3, 2018, which amended the Pennsylvania Uniform Planned Community Act to allow planned communities to establish procedures for the alternative dispute resolution of disputes between: (i) two or more unit owners; or (ii) a unit owner and the association.
- B. “Alternative dispute resolution” (ADR) is defined as a procedure for settling a dispute by means other than litigation, such as arbitration or mediation.
- C. Upon passage of this Section in accordance with Article XVII of these Bylaws, there will exist an ADR procedure in the Association to adjudicate disputes between unit owners and between a unit owner and the Association.
- D. ADR shall be limited to only those disputes where all parties agree to ADR.
- E. To commence an ADR proceeding with another unit owner and/or the Association, a Complainant must submit a formal Request to Submit Matter to ADR (the “Request”) to all prospective parties to the ADR.
- F. The Request must set forth the nature of the dispute with reasonable particularity and the proposed form of ADR (i.e., arbitration, mediation, etc.)
- G. The responding party(s) will be given 30 days to provide a response, in writing, setting forth whether they agree to submit the dispute to ADR and, if so, what form of ADR they would prefer.
- H. If all parties are in agreement with ADR, the ADR procedure will commence upon the selection of a mutually agreed upon Arbitrator or Mediator. The Association can provide names of Arbitrators and Mediators upon request.
- I. Unless otherwise agreed upon, the Complainant will be responsible for contacting the chosen Arbitrator or Mediator and coordinating the date of the Arbitration or Mediation.
- J. Costs and fees associated with ADR (e.g. the cost of the Arbitrator or Mediator) shall be shared equally by all parties to the dispute. The parties are responsible for their own legal fees.
- K. If a Complainant exhausts the ADR procedure without a resolution or more than 100 days have passed since the Complainant commenced the ADR procedure and parties have not reached a resolution the ADR process will end and the unit owner will be free to exercise the rights set forth in 68 Pa.C.S. § 5322.
- L. Nothing in this section shall be construed to affect or impair the right of a unit owner or the Association to pursue a private cause of action or seek other relief.