



**MASTHOPE MOUNTAIN COMMUNITY**  
**ENVIRONMENTAL CONTROL COMMITTEE**  
**BUILDING REGULATIONS**

**Revised October 7, 2011**



Dear Property Owner

Congratulations on your building project in Masthope Mountain Community. In order to clarify some concerns with building within Masthope, the Environmental Control Committee would like to remind you of a few steps that must be taken for you and your builder.

1. Township and Masthope permits must be displayed at the building site.
2. While excavating stage is taking place, no stockpiling of stumps and logs will be permitted. They must be removed. All logs must be cut and stacked once excavation is complete.
3. Proper culvert installation and headwall placement will take place from the onset of excavation.
4. A sub base of rip rap or modified stone will be laid in order to avoid trafficking of silt and mud onto Masthope roads.
5. The Environmental Control Committee must be notified prior to any blasting that needs to take place. ECC representative must be on site at the time of blasting. Severe fines will be issued for violations and the Environmental Protection Agency may be notified.
6. Notifications to Masthope P.O.C. when water and sewage road cutting will be made.
7. All owners are responsible to repave the destroyed portion of roads that develop during your building project. This pavement repair must be complete within 30 days of the road cut. The repair, whether done by Masthope or the owner's own contractor, will be at the expense of the property owner.
8. When the road opening is made, it is the responsibility of the homeowner to make sure that emergency markers are placed on both sides of the road until the time of the final repairs.
9. All disturbed earth must be graded, seeded and hayed to avoid erosion into drainage ditches and wet land areas as per the conservation department.
10. If propane or heating fuel tanks are to be used, no above ground installation will be permitted. All fuel tanks, on new construction, are to be buried, except in cases of where doing so would be a hardship because of rock or shale. In which case, a natural border of evergreen or approved lattice style fencing must be approved by the ECC before installation.
11. From the onset of the project a Port-O-San style toilet must be on site through the duration of the project.
12. Every effort must be made to keep the building site clean and organized. A dumpster must be put on the site after the foundation has been installed.
13. No burning of debris will be allowed.
14. All vehicles traveling to and from your property are subjected to the rules and regulations within our handbook. It is important that you convey to your contractor this information and that any infractions to our vehicle code or any other rules will be the property owners responsibility.
15. No excavation of lots will be permitted until Masthope's ECC representative signs off on what trees are marked for cutting. Failure to do so will be subjected to severe penalties.
16. During the phase of building, no creation of storm runoff onto adjoining properties will be permitted. Severe fines will be issued to violators.

Please contact the ECC Officer before you go to closing to schedule an appointment to have your property inspected to make sure all Masthope rules are complied with. It is easier to have them corrected by the contractor before you own your home.

We have prepared this list of the most commonly over looked items so that you best understand, going forward, that your building project can be expedited without any unnecessary interruptions. We hope that your project turns out successfully and on schedule. May you experience years of enjoyment at Masthope Mountain Community!

Sincerely

Environmental Control Committee

# **I. ECC ENVIRONMENTAL CONTROL COMMITTEE**

## **A. RULES & REGULATIONS FOR BUILDING AND CONSTRUCTION, DEED RESTRICTIONS & MMC BUILDING REGULATIONS**

- A. Masthope Mountain Community Association enforces Deed Restrictions. These restrictions are legally binding upon the MMC membership and, among other things, include the following:
- a) All owners agree to join the MMC by virtue of property ownership, maintain their membership and pay current annual dues, fees and/or other assessments set by the Association.
  - b) No building can be erected other than a single family house with private garage.
  - c) Plans for any construction, improvements or alterations must be approved by the MMC (Building Regulations, Permits, Forms and Fees are available from the POC Office or online). For Builder's Packet and Application the following link can be used: <http://www.masthope.org/>, Downloads, than Contractors.
  - d) The finished grade after construction must conform to the MMC drainage plan and each lot owner is responsible for drainage ditches and culverts aligning their property.
  - e) ***Building Permits must be approved and paid for at the Lackawaxen Township Building, (Masthope charges a construction and review inspection fee, see Builder's Packet.)***
  - f) No building can be used for any purpose other than as a dwelling for a single family (other than garages, sheds, etc.).
  - g) No signs may be displayed offering any property sale or lease without MMC permission.
  - h) No trailer, tent or temporary building may be erected nor may a basement or garage be used as a temporary or permanent residence.
  - i) No outhouses or chemical toilets permitted, without permission of the ECC.
  - j) Antennas/Satellite Dishes: No exposed or exterior radio or TV antennas shall be erected, placed or maintained on any part of any lot, without the filing and approval of a dish antenna permit. These antennas must not be placed on ground level without being shielded with natural evergreen materials. No antenna can be placed further than 15ft from the foundation of the house. There is a limit of one (1) dish per property unless waived by the ECC.
  - k) Firewood/Storage: Covers for firewood / storage shall be earth tone in color. The ECC will provide acceptable colors.
  - l) Clothes Lines: Clothes lines or drying lines shall be located so as not to be visible from the road or waterfront (lake).
  - m) Fuel Storage Tanks: If propane or heating fuel tanks are to be used, no above ground installation will be permitted. All fuel tanks, on new construction, are to be buried, except in cases of where doing so would be a hardship because of rock or shale. In which case, a natural border of evergreen or approved lattice style fencing must be approved by the ECC before installation.
  - n) The storage of gasoline is limited to twenty (20) gallons whether stored above ground or below ground. All fuel tanks, on new construction, are to be buried, except in cases of where doing so would be a hardship because of rock or shale.
  - o) Used Buildings: No used or previously owned buildings shall be placed or erected on any lot in MMC
  - p) No gravity house sewers or on site private water supply system (wells) will be allowed on any property, regardless of nature of lot.
  - q) Exterior siding type & color must be itemized on each application.
  - r) Please be advised that this Committee reserves the right of final approval on all planned house locations or positions on each lot.
  - s) No construction, tree-cutting or excavation may be started until final written approval by this Committee is given.
  - t) The Building Regulations highlight the major conditions to adhere to during construction and are for the Owner (s) and Contractor (s) convenience and, therefore, not all inclusive. Owner (s) and Contractors (s) are responsible for complying with the "Declaration of Protective Covenants, Easements, Restrictions, Exceptions,

Reservations and Conditions” pertaining to Masthope Rapids, Inc. and Falling Waters at Masthope, Inc., (hereinafter referred to as the “Protective Covenants”) and all laws and ordinances and the orders and requirements of all federal, state and municipal governments and appropriate departments, agencies, commissions, boards and officers thereof, (hereinafter referred to as the “Governmental Regulatory Agency”). If there is a conflict between the Building Regulations, the Protective Covenants, and the Governmental Regulatory Agency laws and ordinances, the more stringent shall prevail, but, the Building Regulations or Protective Covenants shall not be less stringent than any Governmental Regulatory Agency laws or ordinances.

- u) Failure to comply will result in a violation notice and work stoppage until fine and specifications have been met. Non-stoppage of work shall result in a daily fine.
- v) The Environmental Control Committee (ECC) shall control all aspects of construction, building and land development. Please be advised that this Committee reserves the right of final approval on all planned house locations or positions on each lot.

**B. Code Enforcement Officer**

**The Code Enforcement Officer(s) shall:**

- a) Post permits approved by the ECC and notices of unsafe construction site conditions.
- a) Receive and review plans, applications and amendments thereto;
  - (1) Issue notices of violations and pass upon questions relative to mode, manner of construction or materials to conform to the true intent and meaning of the provisions of this code and in accordance with the rulings of the ECC.
  - (2) Prepare a monthly report of all permits issued and fees collected
  - (3) Have the right to enter any property or building in the Masthope Mountain Development at reasonable hours and with reasonable notification for the proper performance of his/her duties.

**C. Right of Access to Property**

- a) The Code Enforcement Officer, Public Safety Officers or anyone authorized by MMC Management, so far as it may be necessary for the performance of their duties, shall have the right of access any property in Masthope Mountain at reasonable hours upon exhibiting identification supplied by MMC.

**D. Code Enforcement Officers Liability**

- a) Neither the Code Enforcement Officer, Public Safety Officers, nor any person hired, appointed or employed by MMC when acting in good faith and without malice, shall not be liable for the damages by reason of anything done under provisions of this code.

**B. BUILDING DEPARTMENT**

**A. Permits**

Owner and /or Contractor must secure a Lackawaxen Township Construction/Building Permit and submit copies of same to the POC before commencing construction operations.

- a) Failure to comply with the POC Rules and Regulations will result in the Owner/Contractor being fined as noted. “A stop work order may be placed on a project for continuing violations.”

A building permit is required for any new construction to include but not be limited to alterations, decks, docks, floats, additions, yard sheds, gazebos, etc. and construction repairs to existing homes. Structures less than one hundred (100) square feet may not require drawings, but will require a location plan, reviews and permits.

**B. Applications**

Owner to submit duly executed applications along with other required documents as outlined below.

**C. Fees**

Permit Applications must be accompanied by ECC fee payable to the POC for review and inspections. Such fee is not refundable

Final inspection will be done within ten (10) days after receiving written notice that the Property Owner is ready for final inspection, unless or property are snow-covered. In that case, it will be at the discretion of the POC representative. MMC/POC final inspections will not be performed unless all Township final approvals have been issued and written proof of such has been submitted to the POC.

Fee to be paid for Architectural & Environmental Review and Inspections:

- (1) \$660.00 New Dwelling or Total Reconstruction
- (2) \$150.00 Garages and additions
- (3) \$200.00 Additions over three hundred (300) square feet
- (4) \$ 25.00 Deck Replacement
- (5) \$ 50.00 Increase size of deck w/replacement
- (6) \$ 75.00 New Deck
- (7) \$ 40.00 Accessory Structure (less than 100 square feet)
- (8) \$ 75.00 Accessory Structure (more than 100 square feet)
- (9) \$75.00 Structural Alterations – i.e. Dormer, roof change, covered porch, etc.
- (10) \$25.00 Roofing Permit
- (11) \$25.00 Siding Permit
- (12) \$25.00 Driveway Permit

**D. Insurance**

Contractor and/or Owner shall deliver to the POC an Insurance Certificate in the amount of \$100,000.00 for Liability, Property Damage, Workers Disability, Workers Compensation, Fire and Theft, naming the POC as a co-insured. The above requirements shall apply to new construction where additional floor area of cubical content is increased.

**E. Pennsylvania Contractors State Registration Number**

A contractor including any person who owns and operates a home improvement business or performs home improvements and their total cash value of home improvements in the previous taxable year is \$5,000 or more must register their business with the state and provide a Pennsylvania State Contractors Registration number on the Masthope permit application.

**C. ARCHITECTURAL AND CONSTRUCTION**

**A. Site**

Maximum width of driveway entrance to property to be 15’0” including circular driveways where each opening can be 15’ 0” wide maximum, excluding the entrance radius. Circular driveway opening shall be separated by at least 15’ 0” of planted area. A maximum of two (2) driveway curb cuts shall be permitted per property. All driveway openings shall be pitched away from the road for the last 10’ 0”, so that water runoff from drives shall not flow onto the road.

**B. Trees**

No trees or brush over 3” in diameter shall be removed unless written approval is secured, except as required to accommodate the proposed building and driveway. Trees that are to be removed must be marked with white materials and approval secured from the POC before removing same. Failure to comply will result in a violation notice and fines being assessed. If trees are removed without approval, Owner and /or Contractor will be fined \$250.00 (for the first violation – see fine/violation schedule for per tree removed and owner will be required to plant new trees of a minimum of 8ft specimen for each removed. The specimen to be approved by the ECC. To be completed in a timely fashion.

**C. General**

- a) Building shall meet the requirements of setbacks/size and building charts, Setbacks as of 7/9/05

Lot Type	Front	Side	Rear	Min Φ Bldg	Bldg Height	Max Bldg Size
Single	40’	15’	40’	1800Φ (900)	2 ½ Stories 35’ Max	3000Φ All Structures
Double	40’	25’	40’	1800Φ	I.C.C.b) I.C.C.c)	3500Φ
Triple	40’	35’	40’	1800Φ	I.C.C.b) I.C.C.c)	4000Φ
Lakefront Single	40’	15’	50’	2000 (900)	I.C.C.b) I.C.C.c)	2400Φ
Lakefront Double	40’	25’	50’	2400Φ	I.C.C.b) I.C.C.c)	3200Φ
Lakefront Triple	40’	35’	50’	2600Φ	I.C.C.b) I.C.C.c)	4000Φ

Lakefront High Water Line	N/A	N/A	50'	N/A	I.C.C.b) I.C.C.c)	N/A
Accessory Bldg	Not Permitted	15'	15'	Shed = 100'	15' Max	100 Φ
Corner Lot(s) Setbacks	40'	15'	N/A	N/A	N/A	N/A

- a) All Lakefront and Lakeview (water visible) lots or deemed such by the Environmental Control Committee are to meet the requirements of the setbacks/ size and building charts (See above)
- b) Structures: Building shall not exceed two and one-half (2 ½) stories and or thirty-five (35) feet in height. The height shall be calculated from the average grade of the ground around the structure.
  - (1) The following area may not be used for meeting the requirements for structure square footage: attic space, basements, crawl spaces, garages (attached or detached), car ports, decks and outdoor patios.
  - (2) All lower level portions of proposed structure may only be used in the square foot requirement calculations if they are constructed over a crawl space or a basement area. Bi-level or split level structures will not be permitted if the square foot calculations for the lowest level, if built on a slab, and used to meet the requirements for minimum square footage.
  - (3) Crawl spaces shall not be less than eighteen (18) inches in clear height.
  - (4) No dwelling may be erected on a property within three hundred (300) foot of another dwelling unless the proposed dwelling looks significantly different. The following factors will be considered by the Environmental Control Committee upon applicants appeal:
    - (a) *Roof lines differ*
    - (b) *Placement of windows and doors differ*
    - (c) *Color must be different*
    - (d) *Placement of structure on property*
    - (e) *Style or type of windows*
    - (f) *Stone veneer on walls/fireplace chose*

One or more of the factors may meet with the Environmental Control Committee approval.

- c) The minimum size of any dwelling to be erected on a lot in the development of Masthope shall be at least 1,800 square feet of living space, excluding basement, garage, porches, decks, patios and breezeways. For purposes of this provision a finished basement is not a living space.
- d) No storage shed or garage shall be constructed unless it conforms and blends in with the existing dwelling. No storage or accessory structure shall exceed fifteen (15) feet in height, nor shall it be more than one (1) story in height.
- e) All exterior walls and roof of building and /or structure to be covered with earth tone colors, natural woods and/or stone. Alteration to conform with existing colors. Applicants must submit their choice of colors to the ECC for approval. The ECC shall make final approval of colors.
- f) Accessory structures shall not be placed in a front yard or a yard adjoining a street. Exceptions may be granted by the ECC upon appeal.
- g) No structure of a temporary character, trailer, tent, shack, barn, garage or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently, including mobile homes as defined by Federal and State rules and regulations.
- h) No construction operation shall commence unless the POC and Township Building permits have been issued and posted on property.
- i) **April 15<sup>th</sup> through October 15:** *Monday through Friday* – all construction work will begin no earlier than 7:30 a.m. and must end by no later than 7:30 p.m. Saturday: all construction work will begin by no earlier than 8:00 a.m. and must end by no later than 7:30 p.m. Sunday: all construction work will begin by no earlier than 9:00 a.m. and must end by no later than 6:00 p.m. This includes all heavy equipment and generators. Sunday hours for small lawn equipment, i.e. blowers, lawn mowers, weed whackers, etc. are from 9:30 a.m. through 6:00 p.m.
- j) **October 16<sup>th</sup> through April 14<sup>th</sup>:** *Monday through Friday* – all construction work will begin no earlier than 7:30 a.m. and exterior work must end by no later than 5:30 p.m.

Interior work may be done, until 7:30 p.m., provided the building has working PPL electric service and the property owner is present on the site. No exterior noise (generators, compressors etc.) or cutting is permitted.

*Saturday:* all construction work will begin no earlier than 8:00 a.m. and must end no later than 5:30 p.m. *Sunday:* all construction work will begin no earlier than 9:00 a.m. and must end no later than 5:00 p.m. This includes all heavy equipment and generators. *Sunday* hours for leaf blowers, lawn equipment, small engine equipment, etc. are from 9:30 a.m. through 5:00 p.m.

- k) A Building Permit is required for any new construction to include, but not be limited to, alterations, decks, additions, garages, accessory structures. Minor repairs or alterations to exterior portions of structures may not need permits or approvals. Contact the ECC for the proper interpretation. Accessory structures under one hundred (100) square feet will require approval from the ECC for the location of the structure, but may not need a drawing or a sketch.
- l) Prior notification must be given to the Environmental Control Committee, three (3) days prior to blasting, and contractor shall deliver upon such notification, an insurance certificate. Where blasting is permitted, the Contractor shall take every precaution to protect all portions of the work already constructed or being constructed, and shall use small charges and give ample notice so as not to endanger person's property.
- m) The contractor, in addition to observing all of the requirements set forth in State Laws relative to the transportation, storage, handling and use of explosives. The contractor shall be liable for all damage to persons or property caused by the blast or explosion.
- n) Where blasting is not permitted, the rock shall be removed with suitable equipment.
- o) Care must be taken to protect persons and property. Contractor to close off road and pedestrian traffic. No blasting is permitted on weekends or holidays.
- p) Severe fines will be issued for violations and the Environmental Protection Agency may be notified.
- q) No excavation will be permitted except as required to accommodate building foundations, or to accommodate burying of fuel tanks, sewage and water lines, and electrical lines if so desired by owner. Notwithstanding the foregoing, no excavation work will be permitted across any road during the period December 1<sup>st</sup> through April 1<sup>st</sup> because of difficulty to excavate through the frost level in the roadways and the potential heavy damage that will be sustained to a tar and chip road surfacing during this period.
- r) No individual water supply or sewage system will be permitted, except for Westcolang Park.
- s) A permanent easement for drainage and utilities is established along side lot lines of 10'-0", along rear lot line of 10'-0" and 10'-0" along the front property lot line.
- t) A temporary construction easement for drainage and utilities along all lines shall be 15'-0" clear. Party doing construction is responsible to restore site to original condition after temporary work is installed.
- u) Owner is responsible to comply with local utility requirements.
- v) Open fires (cooking grills not included) are not allowed anywhere within the MMC without a permit. Controlled burning shall be permitted in fireproof containers (steel barrels, etc). Approval must be granted by the ECC for all controlled burning. The following requirements must be met before the ECC will grant approval:
  - (1) The Community must not be on a high hazard fire notice.
  - (2) Only wood, paper products and leaves may be burned.
  - (3) Tires or other materials that produce heavy smoke may not be burned.
  - (4) No more than one controlled fire shall be allowed per property.
  - (5) A garden hose must be kept at the approved burn site to prevent the spread of any fire.
- w) Outdoor Burning – Recreational burning of commercial Chimineas, outdoor fireplaces and other such units will be permitted within the community without a burn permit. This is for recreational use only and said units are not to be used for burning of yard debris, or any other items as is defined in our burning policy.
- x) Owners and Contractor's name, lot number and street name will be permitted on a sign for convenience of deliveries during construction. Only projects large enough to require a certificate of occupancy may have a contractor's sign posted on the property. The sign must be posted on the land being developed. Sign to be removed when the job is completed.

- y) Open road trenches must be back filled with approved material. Trenches must be properly compacted when being repaired. Compaction must be at twelve (12) inch intervals.
- z) Contractor shall keep all construction debris contained before leaving the site and provide a Sani-Lav and dumpster. Failure to comply with the above will result in a violation, fine and any court costs that may be incurred.
- aa) All sites to be cleaned of debris on or prior to issuance of a Certificate of Occupancy.
- bb) All exterior lighting shall be directed away from adjoining properties, adjacent streets or be directed in any manner that may create a hazardous situation. All property lighting must be approved by the ECC. A plan must be submitted for all lighting including new construction.
- cc) Exterior of the building, and property, must be completed within six (6) months of acquiring the Masthope Building Permit. A one time request for a three (3) month extension of time, may be granted by the Environmental Control Committee. Failure to comply will result in;
  - (1) A violation notice and a fine being assessed
  - (2) Revocation of permits
  - (3) Paying new permit fees
- dd) All open trenches across roads must be made passable at end of each working day.
- ee) No perimeter fencing of properties will be permitted.
- ff) No above ground or in-ground pools permitted. Spas and hot-tubs, are permitted provided they are screened and approved by POC/ECC.
- gg) No lot shall be kept in an unsightly manner.
- hh) There will be absolutely no dumping or discarding of any types of materials on any property or lands of Masthope Rapids and Falling Waters at Masthope, with no exceptions. Anyone caught doing so, will have their working privileges revoked in Masthope.
- ii) All contractor signs must be removed as soon as the Certificate of Occupancy is issued, and not erected before the application is approved.
- jj) Covers/tarpaulins - all covers or tarpaulins that are used to cover permitted storage items must be brown or dark green in color. Any other storage colors must be approved by the ECC.
- kk) Boats or recreational vehicles must be stored along the side of, or to the rear of the main structure on the property. Shrink wrapped boat covers of industrial standards may be used.
- ll) Rocks, ledges, trees, etc., shall not be painted. Lots and properties must be kept in a natural or landscaped condition.
- mm) Rules may be amended by the ECC as required.
- nn) All seasonal decorations may only be displayed from 45 days before the occasion until 30 days after the occasion.
- oo) Temporary carports, of any kind, shall not be placed on any property or lot.
- pp) All contractors' vehicles must have signs displayed on them stating the company name.
- qq) To avoid soil erosion, all construction sites must have soil erosion/runoff barriers in place followed with seed, hay, woodchips, stone, etc.
- rr) No mail or newspaper delivery boxes shall be displayed without permission from the ECC.
- ss) No substantial changes in elevation of the land shall be made on any lot without prior written permission from the ECC.

#### **D. Liability**

The POC or the POC's authorized representative acting in good faith and without malice in the discharge of their duties shall not render themselves liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of their duties. Any suit brought against the POC or its employees because of such an act or omission performed in the enforcement of this code shall be defended by the POC until final determination. This code shall not relieve or lessen the responsibility of a property owner, his/her contractor or builder of a building for any damages to the person or property caused by defects, nor shall the POC or its employees be held to assume any such liability by reason of inspection or permits authorized by this code.

The Board of Directors and the Environmental Control Committee will not assume responsibility for the adequacy of engineering or structural design presented by applicants for new construction, additions or improvements.

### D. ECC VIOLATION/FINES SCHEDULE

Violation/Offense	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	Reference MMC HANDBOOK	Revised PC - Protective Covenants
Building being used for other than single family residence	\$100	\$300	\$600	VI.A.b	<b>PC</b>
Conducting a commercial business on residential property	\$500	\$1,000	\$1,500	VI.A.f	<b>BOD Motion</b>
Antennas-Radios/TV/Dish	\$25	\$50	\$150	VI.A.j	<b>PC</b>
Clothes Lines	\$20	\$40	\$80	VI.A.k	<b>PC</b>
Used Buildings/Structures	\$50	\$100	\$200	VI.A.o	<b>PC</b>
Fuel Storage Tanks	\$100	\$200	\$500	VI.A.m	<b>PC</b>
Unauthorized Storage	\$50	\$100	\$200	VI.D.5	<b>PC</b>
Untidy Lot/Litter/Health Hazard	*\$200	*\$400	*\$600	VI.D.7	<b>PC</b>
Improperly Maintained Culvert /Culvert Pipes	\$200	\$400	\$600	VI.E.3.a	<b>PC</b>
Damaging Road (Plus Cost of Repair)	\$200	\$400	\$600	VI.E.6	<b>Bldg. Regs</b>
Illegal Signs and/or Property Sign infractions	\$20	\$40	\$80	VI.F.1	<b>PC</b>
Tree Removal (per tree) No Permit or Over Limit Note: The MMC may require replacement of trees	\$250	\$500	\$1,000	VI.G.2	<b>PC - Revised</b>
Improper setbacks/Square footage	\$500	t	t	VI.G.3.a	<b>PC</b>
Unauthorized Accessory Structure	\$25	\$50	\$100	VI.G.3.e	<b>PC</b>
All Building exteriors will be approved Earth-tone colors	\$100	\$400	\$600	VI.G.3.f	<b>PC</b>
Temporary Structures (Trailers/Tents)	\$25	\$50	\$150	VI.G.3.h	<b>PC</b>
Building Permit Posting/Possession	\$50	\$150/15 days	\$500/30 days	VI.G.3.i	<b>PC</b>
Violation of Work Stoppage	ii	ii	ii	VI.G.3.i	<b>PC</b>
Blasting	\$100	\$400	\$600	VI.G.3.n	<b>PC</b>
Open Fire/Fire During "No Burn" Time	\$50	\$100	\$300	VI.G.3.x	<b>PC</b>
				VI.G.3.y	<b>PC</b>
No dumpster or sani-lav on building site	\$100	tt	tt	VI.G.3.bb	<b>BOD Motion</b>
Exterior of Building not completed within 6 months	\$300	jj	jj	VI.G.3.ee	<b>PC</b>
Fences	\$50	\$100	\$200	VI.G.3.gg	<b>PC</b>
There will be no swimming pools on properties	\$100	\$200	\$500	VI.G.3.hh	<b>PC</b>
Untidy Lots	\$50	\$100	\$200	VI.G.3.ii	<b>PC</b>
Storage Covers (Tarps/Canvases)	\$20	\$40	\$80	VI.G.3.ll	<b>BOD Motion</b>
Storage of Boats/Watercraft	\$25	\$50	\$100	VI.G.3.mm	<b>PC</b>
Painting Rocks/Trees	\$20	\$40	\$80	VI.G.3.nn	<b>BOD Motion</b>
Seasonal Festive Decorations not removed	\$25	\$50	\$150	VI.G.3.pp	<b>BOD Motion</b>
Temporary carport	\$50	\$100	\$300	VI.G.3.qq	<b>BOD Motion</b>
Unmarked Contractor Vehicle on construction site	\$50	\$100	\$300	VI.G.3.rr	<b>BOD Motion</b>
No soil erosion protection on building site	\$50	\$100	\$150	VI.G.3.ss	<b>PC</b>
Improperly displayed newspaper/mailbox	\$25	\$50	\$150	VI.G.3.tt	<b>PC</b>
Substantial change in property elevation	\$300	\$600	\$1,000	VI.G.3.uu	<b>PC</b>
Unsafe/uninhabitable building	\$300	\$600	\$1,000 **	VI.G.4	<b>BOD Motion</b>
No Stone/Material covering driveway	\$50	\$100	\$300	VI.I.7	<b>BOD Motion</b>

Unrepaired Ground leak in water or sewer	\$100	***	***	VI.K.4	<b>BOD Motion</b>
Parking of Commercial Vehicle on property	\$50	\$150	\$300	VII.B.4.e	<b>BOD Motion</b>
Abandoned/Junk Vehicles	\$100	\$200	\$300	VII.B.10	<b>PC</b>
Noise Nuisances	\$50	\$100	\$300	VII.B.1.1	<b>PC</b>
Odor Nuisances	\$50	\$100	\$200	VII.B.1.2	<b>PC</b>
Nuisance – Outside Lighting	\$50	\$100	\$300	VII.B.1.3	<b>BOD Motion</b>
Negative Impact on MMC	\$100	\$150	\$200	VII.B.J	<b>BOD Motion</b>
*: Lot must be cleaned within 24 hours or MMC will do the clean-up and bill the property owner in addition to the fines.					
** : After 90 days the Building Dept. will be notified and MMC will have a contractor repair the building or demolish it.					
***: Leaks not repaired within 30 days will be repaired by a contractor, and the property owner will be billed in addition to a \$500 fine.					
ii: Failure to comply will result in a daily fine of \$500.					
jj: If building exterior is not completed within 6 months, there will be a \$600 fine. If building exterior is not completed within 12 months, there will be a \$1200 fine; and if it is not completed within 15 months, MMC will have it completed and bill the property owner for the completion in addition to a \$1500 fine.					
t: Failure to comply within 30 days will result in a stop work order in addition to a \$1000 fine.					
tt: Failure to comply after 30 days will result in a stop work order in addition to a \$500 fine.					
VIII.j. (Handbook) In the event the violation/fine has not been paid to the MMC/POC for a period extending to more than ninety 90 days, then each thirty (30) day period after ninety (90) days the fine remains unpaid, an additional fine equivalent to the third offense shall be applicable.					

**A. Appeals**

- a) Any member disagreeing with a decision of the ECC, as it relates to his/her building permit applications, variances or set backs may appeal such decision first to the ECC within thirty (30) days of the date of the decision.
- b) A request for an Appeal Hearing shall be made in writing to the ECC, stating the reasons for disagreement.
- c) Upon receipt of the written request for an appeal within the proper time period, the ECC shall schedule a hearing within sixty (60) days from the date of receipt of the request.
- d) The member requesting the appeal shall be notified of the date, time and place of the hearing, He/she may present any additional materials, documentation, testimonials or witnesses.
- e) The ECC shall communicate final decision to the member within ten (10) days of the closing of said hearing.
- f) Should the member disagree with the Committee’s final decision, he/she may further appeal such decision to the Board of Directors. A request for such Appeal Hearing shall be submitted in writing to the Board within thirty (30) days of the date of the ECC’s decision.
- g) The Board of Directors shall schedule a hearing on said appeal on the date of its next regularly scheduled meeting, or no later than the date of its following regularly scheduled meeting.

**II. ENVIRONMENTAL CONTROL COMMITTEE RULES & REGULATIONS FOR ROAD OPENINGS/DRIVEWAYS & CULVERT PIPES**

**A. Driveways**

**1. Interference with Drainage Prohibited**

All driveways shall be constructed so as not to impair drainage within the right-of-way, alter the stability of the improved area or change the drainage of adjacent areas. No increase in the flow of water onto the roadway, right-of-way or the property of some other will be permitted.

**2. Drainage Pipe**

Where a drainage ditch or swale exists, the owner or contractor shall install an adequate pipe under the driveway. Drainage pipe installed under driveways shall be smooth walled plastic pipe at least eighteen (18”) inches in diameter or larger and at least thirty (30’) feet long if

required by drainage conditions. Drainage pipes shall be installed with proper grade and so water will flow freely through the pipe.

**3. Utility Vaults**

No parking pad shall be installed over any curbside utility vault (water, power or telephone).

**4. Permits Required**

The property owner and contractor prior to construction shall obtain a driveway permit from the EEC. The fee shall be twenty-five (\$25) dollars.

**5. Assessment**

In the event of violation of any requirements of this chapter, the owner will be notified in writing and given thirty (30) days or less, depending on the violation, to correct the violation. If the violation continues to exist after this notice period, a fine(s) will be assessed to the owner's property for each and every day that the violation continues. In the event the property owners or the contractors fail to make the necessary corrections/repairs, the MMC Maintenance Department will make the corrections/repairs and the cost of same will be passed on to the property owners, in addition to the fines.

**B. Culverts & Culvert Pipes**

1. Property owners are requested to periodically check their culvert pipes (under driveways) to insure that they are clean and functional. Improperly maintained culverts and/or culvert pipes may be cleaned and repaired by the MMC Maintenance Department. The property owners may then be billed by the POC for the work performed and any other expenses incurred.

2. ALL CULVERTS MUST HAVE HEADWALLS BUILT TO TOP OF DRIVEWAY.

3. Culvert pipes shall be smooth walled plastic pipe at least eighteen (18") inches in diameter or larger and at least thirty (30') feet long, along with drainage ditches as required. The ECC reserves the right to increase the size of the culvert pipe.

**C. Road Openings or Trenches**

Maximum width of driveway entrance to property to be 15'0" including circular driveways where each opening can be 15'0" wide maximum, excluding the entrance radius. Circular driveway openings shall be separated by at least 15'0" of planted area. A maximum of two (2) driveway curb cuts shall be permitted per property. No driveway entrance shall be closer than 15'0" to side property lines. All driveway opening shall be pitched away from the road for the last 10'0", so that water runoff from drives shall not flow onto the road. Owner is responsible to comply with local utility requirements.

### **III. WATER/SEWER SYSTEM**

**A. Ownership and Responsibility**

The water/sewer system is owned and operated by Aqua Pennsylvania.

Aqua Pennsylvania is responsible for the care, maintenance and replacement of equipment, storage tanks, underground main and lateral lines along roads, associated electronic equipment, water meters and remote meters (regardless of location) and shut off valves in the street or adjacent right-of-way. The customer is responsible for all water supply and water components beginning at, but excluding, the shut-off valve in the street. Repair, maintenance and/or replacement of the service line from the street shut-off to the Premises, including all fixtures, fittings, pipes and valves on the Premises (excluding the water meter) is the responsibility of the customer.

Aqua Pennsylvania installations, i.e., water meters, curb stops, gate valves, etc., shall not be handled, operated or tampered with at any time by persons not authorized by Aqua Pennsylvania. Violations will be considered by the Aqua Pennsylvania as an act of trespass and malicious mischief.

**B. Applications for Water/Sewer Service**

Written application for water service to any Premises shall be made by the owner of the Premises or by the agent of the owner on a form to be furnished by the POC.

**C. Street Valves**

The street valve is installed by Aqua Pennsylvania for the purpose of controlling the water supply to the customer. No person or persons, except authorized agents or employees of Aqua Pennsylvania, shall open or close the street valve. No one but an employee or agent of Aqua Pennsylvania may open or close the valves on street mains.

Aqua Pennsylvania reserves the right, after due notice, to shut-off water service to any customer for failure to pay for water service in accordance with the established payment schedule or for violation of or refusal to comply with these rules and regulations.

**D. Inspections**

The properly identified agents of Aqua Pennsylvania shall, at all reasonable hours, have free access to all parts of the Premises to which water is delivered for the purpose of inspection and examination of pipes, fixtures, etc.

Aqua Pennsylvania shall also have the right to go upon any customers Premises at all times for the purpose of investigating for defective or leaky water closets, faucets, pipes and connections and

other leaking or defective fixtures and for the purpose of reading examining, repairing and/or replacing water meters.

When any defects or leaks are discovered, customers will be notified. If such defects or leaks are not subsequently repaired within a reasonable time, water service may be turned off without further notice.

Aqua Pennsylvania shall attempt to give its customers reasonable notice of any inspections.

**E. Water Rates**

Water rates and other charges shall be adopted by Aqua. Aqua's tariffs are available for review at any time on the Aqua website ([www.aquaamerica.com](http://www.aquaamerica.com)).

**F. Water and/or Sewer Complaints**

If there is an unresolved complaint with Aqua, please write/call or e-mail to the PUC in Harrisburg, you can also "Cc" the POC about any complaints or any part of the service that you get from Aqua. The PUC web site for complaints is:

[http://puc.paonline.com/Consumer\\_services/informal\\_complaint\\_form.asp](http://puc.paonline.com/Consumer_services/informal_complaint_form.asp) Water/Sewer Service.

**G. Ground Leaks In The Water/Sewer System**

Residents are asked to report to the Aqua Pennsylvania any unusual appearance of running water, especially water running in the area of roadways. When a leak is found by the Water Company on the owner's property, the owner will be notified by either a telephone call or a letter. The water will be shut off at the road by the Water Company. The owner will then have ten (10) days to fix the leak.

Masthope homes are serviced by Aqua Pennsylvania.

Billing questions and/or Water/Sewer related problems should be reported to the Aqua Pennsylvania at 1-877-987-2782. The Association reserves the right to make restrictions regarding the use of water during an emergency.

No gravity house sewers or on site private water supply system (wells) will be allowed on any property, regardless of nature of lot.

Failure to comply with the POC Rules and Regulations will result in the Owner/Contractor being fined as noted. "A stop work order may be placed on a project for continuing violations."

Permit Applications must be accompanied by ECC fee payable to the POC for review and inspections. Such fee is not refundable.

## **IV. ROAD GENERAL INFORMATION**

**A. Snow Season/Removal of Snow**

Masthope is subject to severe winter weather conditions. Snow tires are recommended before Thanksgiving. Tire chains, sand and a snow shovel are helpful winter equipment. Snow removal operations are conducted by a pre-determined route system. The MMC does not remove snow from private driveways. Snow or ice problems should be reported to Maintenance, 685-3120.

**B. Right-of-Way**

- a) The MMC owns and maintains property (right-of-way) measuring approximately 12 feet from the edge of each paved road. Within the right-of-way the MMC maintenance department maintains the storm water drainage and road signs.
- b) Snow removal operations require the placement of snow on the shoulders of our roadways. No vehicles should be parked on the road or on the right-of-way. During severe winters as much as 10 feet of the shoulder may be used for that purpose. The force of snowplows combined with the weight of the snow can cause damage to objects in the right-of-way.
- c) Property Owners are cautioned not to place rocks, logs or other landscaping materials in the right-of-way. Property owners are advised that the MMC is not responsible for damage to objects placed in the MMC right-of-way. However, property owners may be held responsible for damage to MMC Snow Removal Equipment if damaged by objects placed in the right-of-way by property owners.

**C. Culverts & Culvert Pipes**

- a) Property owners are requested to periodically check their culvert pipes (under driveways) to insure that they are clean and functional. Improperly maintained culverts and/or culvert pipes may be cleaned and repaired by the MMC Maintenance Department or an outside contractor. The property owners may then be billed by the POC for the work performed and any other expenses incurred. A minimum eighteen inch by thirty foot (18" X 30') plastic, smooth walled culvert pipe must be installed across each driveway, along with drainage ditches as required. The ECC reserves the right to increase the size of the culvert pipe.

ALL CULVERTS MUST HAVE HEADWALLS BUILT TO TOP OF DRIVEWAY.

**D. Pot Holes**

Occasionally, our roads develop potholes. Residents are asked to contact the Maintenance Department at 570-685-3120 to report any hazardous potholes encountered on Masthope roads.

**E. Spring Thaw Road Protection**

Spring Thaw begins in February and ends approximately April 15<sup>th</sup> every year. All vehicles with gross weight exceeding 10 tons will be prohibited from the Masthope Road System. This prohibition period for heavy vehicles is to help protect road structure from damage due to the sensitive subsurface thaw conditions.

The purpose of this article is to protect the private roads of the Masthope Mountain Community by limiting the weight of vehicles traveling over them at times when they are prone to special damage because of freezing and thawing conditions.

**F. Road Damage**

Any damage done to Masthope roads will be subject to a fine violation, plus the cost of repair.

**G. Maximum Vehicle Weight Limit**

It shall be unlawful to drive, move or operate a motor vehicle or combination of motor vehicles whose total gross weight exceeds ten (10) tons over or upon any MMC road during the period described above. Gross weight shall include the weight of any load and the weight of the driver and of any passengers.

**H. Exceptions**

Emergency vehicles (e.g., Police, Fire, Ambulance and Rescue vehicles), MMC vehicles, Trash vehicles, Utility vehicles (including vehicles delivering fuel to be consumed within Masthope) Moving Vans and School Buses are exempt from the provisions of this Article.

**I. Speed Limits**

The speed limit on all Masthope Mountain Community roads for vehicles will be posted.

**V. BLASTING**

Prior notification must be given to the POC Administrative Office, three (3) days prior to blasting, and contractor shall deliver upon such notification, an insurance certificate. Where blasting is permitted, the Contractor shall take every precaution to protect all portions of the work already constructed or being constructed, and shall use small charges and give ample notice so as not to endanger persons property.

The contractor, in addition to observing all of the requirements set forth in State Laws relative to the transportation, storage, handling and use of explosives. The contractor shall be liable for all damage to persons or property caused by the blast or explosion.

Where blasting is not permitted, the rock shall be removed with suitable equipment.

Care must be taken to protect persons and property. Contractor to close off road and pedestrian traffic. No blasting is permitted on weekends or holidays.

No excavation will be permitted except as required to accommodate building foundations, sewage and water lines, and electrical lines if so desired by owner. Notwithstanding the foregoing, no excavation work will be permitted across any road during the period December 1<sup>st</sup>, through April 1<sup>st</sup> because of difficulty to excavate through the frost level in the roadways and the potential heavy damage that will be sustained to a tar and chip road surfacing during this period.

## **Maximum Lot Coverage**

A maximum lot coverage rule has been adopted by the BOD through the impervious surface ordinance motion number 06:18:11:4 and will be effective immediately.

The percentage of the total single lot area covered by the footprint(s) of house, garage, shed, driveway(s), walkway(s), parking pad(s), turnaround(s) and any area covered by a water resistant surface (Tennis court, artificial pond, etc.) shall not exceed 20% of the square foot area of the property. In this reference a house's footprint shall include all covered or soil surface decks and patios and any area covered by 2A modified stone.

To pave an existing driveway or create any new driveways (regardless of the material used) the conditions in the paragraph above must be met.

No permit will be issued by the Environmental Control Committee unless the 20% rule is met. The ECC committee must be notified in advance of any planned alterations affecting the lot's existing footprint.

When a double lot is being considered the 20% coverage is reduced to 15%. All the above conditions shall remain enforced.

When a triple lot is being considered the 20% coverage is reduced to 13%. All the above conditions shall remain enforced.

## **Penalty for Non-Compliance**

1. Initial penalty for non-compliance with the applicable land coverage percentage shall be:
  - A. A stop work order will be issued by ECC
  - B. A fine for that violation will be levied in the amount of TBA
2. If the violation is not corrected within 30 days of the issuance of the stop work order, an additional fine of \$100.00 a day shall be levied until such time as the problem is resolved.