

Lake Latonka Property Owners Association

# **CODE OF REGULATIONS**

## LAKE LATONKA COMPREHENSIVE REGULATIONS

These comprehensive regulations are adopted by the Lake Latonka Property Owners Association Board of Directors pursuant to the Lake Latonka Property Owners Association By-laws, Article V, Section 1 (a)(b).

### ARTICLE I – ENFORCEMENT

1. Enforcement of Lake Latonka Property Owners Association regulations, including any regulation or rule contained in a duly adopted resolution of the Lake Latonka Property Owners Association Board of Directors, shall be the duty and responsibility of the Lake Manager and Lake Latonka Property Owners Association Security Personnel.

2. Violations of these regulations or any regulation or rule duly adopted by the Lake Latonka Property Owners Association Board of Directors shall be punishable in accordance with the provisions hereinafter set forth.

3. These regulations apply to Lake Latonka Property Owners Association members, tenants or their families, visitors and guests. Any violation of these regulations by family member, visitors or guests are the responsibility of the Lake Latonka Property Owners Association member and all fines and punishments assessed pursuant to these rules shall be assessed or carried out against such member or tenants. Enforcement shall be through a citation mailed to the member by regular mail.

4. In addition to fines specified in these regulations, the Lake Latonka Property Owners Association Board of Directors may suspend the membership privileges of any member where there are multiple violations, unpaid fines, repeated misconduct or in any case where a violation is sufficiently egregious in the judgment of the Lake Latonka Property Owners Board of Directors.

5. In the event membership privileges are suspended pursuant to these regulations, reinstatement shall not take place until a reinstatement fee in the amount of \$500.00 is paid to Lake Latonka Property Owners by the suspended member.

6. The Lake Manager or Lake Latonka Property Owners Association security personnel shall have the right to stop any person in the event of a violation or request member to identify themselves. It shall be a violation for any member of Lake Latonka Property Owners Association, family member, visitor, tenant or guest to refuse to stop and identify themselves when requested by the Lake Manager or Lake Latonka Property Owners Association security personnel or to flee from such person when requested to stop and identify. A violation of this section shall be punishable by a fine of \$500.00 and suspension of membership privileges by the Lake Latonka Property Owners Association Board of Directors for a period to be determined by the Board of Directors.

7. A schedule of fines, in addition to those specified in these regulations, shall be approved annually by the Lake Latonka Property Owners Association Board of Directors and appended to these regulations. Any fine or membership suspension may be appealed to the Lake Latonka Property Owners Association Board of Directors pursuant to the Lake Latonka Executive Judicial Review Policy;

8. The speed limit on all Lake Latonka Property Owners Association roads shall be twenty-five (25) miles per hour unless otherwise posted. Reckless or unsafe operation of any vehicle is prohibited. Overloading of passengers is considered unsafe operation.

## **ARTICLE II – GENERAL REGULATIONS**

### **I. APPLICABILITY**

Each member and his or her family and each tenant and his or her family shall be subject to the following rules and regulations:

(1) Only current dues paying Members and Tenants that are in good standing relative to payment of all financial obligations collected by the Association and otherwise in good standing with respect to the rules and regulations of the Association or their families and guests shall be entitled to use Lake Latonka facilities, beach and Common areas. Members and Tenants shall be responsible for informing their guests of these Rules and Regulations and such members and tenants may be held responsible for any misconduct or violations of these Rules and Regulations by their guests. Anyone violating this provision shall be considered a trespasser under the Laws of the Commonwealth of Pennsylvania

(2) Guests must be accompanied by a member in good standing or immediate family member thereof to fish upon the waters of Lake Latonka.

(3) For the purpose of these Rules and Regulations, immediate family is defined as the following of the dues-paying member of Lake Latonka: Grandparents, Parents, Children, Grandchildren, or Spouses of Children.

(4) All members must comply with each and every restrictive covenant pertaining to Lake Latonka Subdivision as the same are recorded in the Office of the Recorder of Mercer County, Pennsylvania.

(5) Construction compliance regulations and deed restrictions:

(a) Each member and/or tenant must comply with all applicable By-laws, Regulations of the Association and the Deed Restrictions and Covenants.

(b) Owners of lots, the borders of which abut the bed of the lake or any tributary within two hundred (200') feet of the bed of the lake thereto must construct a

permanent erosion control structure between those lot boundaries perpendicular to the shoreline and along the present high water line between said perpendicular line.

(i) The material for the construction of said structure may include, without limitation, stone, rip-rap, landscaping ties, concrete retaining walls, gabions or river rock, any of which as identified herein or in addition hereto must be with the prior approval of the Board of Directors or its authorized Committee.

(ii) Each lot owner shall be subject to inspection and approval of the structure by the Board of Directors or its authorized Inspector both as to immediate construction and periodically thereafter to insure its soundness and functionality for the purposes herein intended.

(iii) The cost of construction shall be the sole responsibility of the lot owner.

(iv) Excluded from this regulation are all Association owned islands.

(6) No hunting or discharge of firearms or other weapons that pose a threat to life or property will be permitted in the Lake Latonka Subdivision, however the Board may approve the use of firearms for a controlled hunt for control of nuisance animals or migratory birds in conjunction with and supervised by the Pennsylvania Game Commission, with required advance notification to the Lake Latonka Membership. Violators will be prosecuted as defiant trespassers pursuant to the laws of the State of Pennsylvania.

(7) No bus, converted bus, trailers, campers, tents or other sleeping facility may remain on any vacant lot, picnic or recreation area after midnight.

(8) LLPOA reserves the right to tow away/remove any unidentified or unoccupied vehicle or trailer on LLPOA property.

(9) Membership in this Association is not transferable or assignable.

## **II. LAKE REGULATIONS**

(1) All members/tenants and guests will be governed by PA Fish and Boat Commission rules and regulations. A valid fishing license is required to fish upon Lake Latonka.

(2) The Board of Lake Latonka Property Owners Association may, from time to time, issue creel limits and size limits, as it deems necessary to protect the lakes fish resources.

(3) Members owning waterfront lots may install a private beach on said lot. They may construct a private dock in conformance with the current Construction Compliance Regulations of the Association and upon securing permits from LLPOA and the Pennsylvania Department of Environmental Protection.

(4) Members owning other than waterfront lots shall have access to the Lake, beach and common areas only over and upon the public access areas and shall have use only of any boat dock owned by the Association which may be utilized to secure their boat subject only to the rules and regulations set forth in these regulations. No boat or other watercraft or vehicle to transport same may be stored or left unattended at any LLPOA launch facility for more than twenty-four (24) hours, moreover, all boats or other watercraft must be launched and or removed from the two (2) launching ramps with the exception of owners of waterfront lots, who may launch and/or remove from their own lots.

(5) Beach, common areas and other association facilities:

(a) The beach, common areas and other Association facilities are for the use of all members and/or tenants in good standing and their guests.

(b) Those using these areas must dispose of all trash properly. Glass containers are not permitted on the Beach.

(c) Pets are not permitted on the beach area.

(d) Lifeguards, when on duty, have complete charge at the beach and have the authority to deny use of the beach to those who, in their opinion, willfully disregard these rules. Use of the beach when no lifeguard is on duty is at the sole risk of the user.

(e) The Association shall not be responsible for personal belongings lost or stolen nor for injuries sustained while on the beach, in the water or on any property within the Lake Latonka Subdivision.

(f) No alcoholic beverages are permitted on the beach without prior written Board approval.

(g) Approval for the use of the picnic island and the picnic shelter at the main beach area must be obtained in advance from the Association office. The barn, community room, restaurant, picnic shelter, and gazebo or other buildings are available for rent under terms, conditions and rental fees determined by the LLPOA Board of Directors.

(h) Swimming is prohibited at the public docks or public islands. Swimming and rafts are not permitted beyond seventy-five (75) feet from shore.

(i) Boats of any kind shall not be tied to the end of the public docks.

(j) Motorized vehicles shall not be permitted on the ice of the Lake during the winter months.

(k) Parking at the two Marina parking lots (Deli & Spillway areas) is limited to 24 hours, violators will be towed at their own expense.

### **III. BOAT OPERATION AND WATER SKIING**

(1) All boats must meet or exceed minimum requirements as set forth by the Pennsylvania Fish and Boat Commission, and boat operators will comply with all regulations set forth in the current boating regulations of the Commonwealth of Pennsylvania.(2) No houseboats, advertised, defined or used as such, or racing-type boats are permitted on the lake.

(2) No houseboats, advertised, defined or used as such, or racing-type boats are permitted on the lake.

(3) Boats permitted on LLPOA waters must be as follows: Pontoon boats twenty-three (23) feet or less, all other boats twenty-two (22) feet or less in accordance with state registration card.

(4) No boats of any description fitted with head, permanent or portable toilet fixtures shall be permitted on the Lake.

(5) Hydro Jet Packs, KetLev, Flyboards, Jetovator and similar devices worn and powered by water pressure from a JetSki or any other water or Air Pumping device are prohibited.

(6) All boats on the Lake must be registered with the Association annually in the member's and/or tenants name and must display the appropriate Association sticker. The member or tenant must present a current qualifying state boat registration for each motor boat, and must also provide proof of liability insurance for each motor boat in order to secure an identification sticker. New stickers will only be issued to a member or tenant who is in good standing with the Association

(7) A property owner/tenant renting a boat dock must present a current year boat sticker for the boat that the dock is being rented for. No boats shall be on the water of Lake Latonka, including private or public docks, without a current valid boat sticker. Said illegal watercraft shall be subject to assessment(s) as set by the Board of Directors of Lake Latonka.

(8) The LLPOA Board of Directors reserves the right to prohibit any watercraft not deemed appropriate for Lake Latonka regardless of length and/or horsepower.

(9) A maximum of forty (40) M.P.H. speed limit will be enforced on the Lake for all boats. Speed limit of three (3) M.P.H. when nearer than one hundred (100) feet of shore, dam/spillway or swimming areas designated by the Association, and other areas designated by the Association as no-wake zones shall be enforced.

(10) Direction of travel for all Lake traffic shall be in a counter-clockwise direction.

- (11) No watercraft are permitted to pass between the dam and gate valve.
- (12) Only boats owned and occupied by members or tenants may be launched on the Lake and only after proper registration with the State, if applicable, and with the Association.
- (13) Each member or tenant is permitted no more than two (2) boats for public docking at one time.
- (14) There will be no fishing permitted on the Lake during a Lake draw-down, unless authorized by the Board of Directors.
- (15) No motorized watercraft will be permitted on the Lake during a Lake draw-down, unless authorized by the board of Directors.
- (16) All water skiing, jet skiing; kite skiing and similar athletic sport shall be in compliance with the current Boating regulations of the State of Pennsylvania.
- (17) Skiing shall be in a counter-clockwise direction as is all Lake traffic and shall be restricted to the area between the gate valve and the first island before the beach.
- (18) Skiing shall be prohibited in areas so designated as no-wake zones or where there is a three (3) M.P.H. restriction.
- (19) Boating rights may be curtailed for any infraction of the rules and regulations as deemed by the Board of Directors or the Association Security Personnel.
- (20) Guests may only operate motorized watercraft if they are properly trained in the operation of the watercraft and are accompanied by an Association member or immediate family member of the dues paying member. Guests may operate non-motorized watercraft in the no wake zones of the lake without being accompanied by a member or immediate family member of the dues paying member.
- (21) Boats equipped with speakers, loudspeakers or other sound broadcast devices shall be operated so as not to cause a nuisance to other boaters or property owners.
- (22) All private boats must be removed from all Association docks no later than 12:00 p.m. of the fourth (4th) Sunday of each October unless otherwise posted by the Board of Directors. Private boats may be returned to Association docks on or after April 1<sup>st</sup> of the following year, unless otherwise posted by the Board of Directors.

#### **IV. RENTAL REGULATIONS**

(1) Members desiring to rent or let a place of residence must first submit a Tenant Acknowledgment form to the Association. For the purposes of this paragraph, the definition of renting or letting shall include the temporary use or occupancy of a member's dwelling by one or more persons, hereinafter referred to as tenants. Said tenants shall abide by these rules and regulations and shall be held responsible for any misconduct or violation of these rules and regulations the same as any member. Privileges for the use of the beach, common areas or other Association facilities may be revoked should a tenant fail to abide by the rules and regulations and shall be considered a trespasser under the laws of Pennsylvania.

(2) When a member leases a dwelling, both the member and the tenant shall pay the annual dues as established by the LLPOA Board of Directors. The dues charge to a tenant may be pro-rated based on the proportion of the year for which the dues are payable and during which the tenant occupies the premises. Dues paying tenants shall have the same rights and privileges as members, except they shall not be entitled to vote on any matter on which the membership may vote. Dues payable by tenants shall be payable in advance of occupancy. Assessments over and above the annual dues made by LLPOA Board of Directors are payable only once per each assessable property.

#### **V. PET REGULATIONS**

(1) Only customary household pets will be permitted to stay inside the Lake Latonka Subdivision. Owners shall comply with applicable state laws regarding licensing of pets.

(2) In accordance with ACT of 1982, P.L. 784, No. 225 Section 305 "Confinement of Dogs": It shall be unlawful for the owner or keeper of any dog to fail to keep at all times such dogs either: (a) confined within the premises of the owner; (b) firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured; or (c) under reasonable control of some person.

(3) According to Section 302 of the above stated law "It shall be the duty of every police officer or State dog warden to seize and detain any licensed dog which is found running at large, either upon the public streets or highways of the Commonwealth, or upon the property of a person other than the owner of such dog, and unaccompanied by the owner or keeper".

(4) Any person who owns or keeps, harbors, or cares for any animal is subject to enforcement and penalties pursuant to the applicable provisions of the LLPOA By-Laws if that animal is found to be a nuisance as defined below:

(a) Any pet which by frequent and habitual barking, howling, screeching, yelping or baying, or in any way or manner disturbs the quiet of any person or the community, or which disturbs or injures or endangers the comfort, repose or health of persons is hereby declared to be committing a nuisance.



(b) Any pet which is molesting passersby, chasing vehicles and/or attacking other domestic animals is hereby declared to be committing a nuisance.

(c) Any pet which scratches, digs or defecates upon any lawn, tree, shrub, plant, building or any other Association or private property, other than the property of the owner of person in charge or control of such animal is hereby declared to be a nuisance.

(d) Where the owner or person in charge or control of such pet immediately removes all feces deposited on private or Association property and disposes of same in a sanitary manner, such nuisance shall be considered abated.

(e) Any pet which shall attack and/or bite one or more persons shall hereby be considered a nuisance. Kennels shall not be permitted for breeding or boarding purposes.

(f) Any pet which is not under the immediate control of its owner or enters upon neighboring property without consent.

## **VI. VEHICULAR REGULATIONS**

(1) All drivers shall abide by the Pennsylvania Motor Vehicle Codes pertaining to the use of motor vehicles and to observe safe driving speeds as posted, and operate their vehicle in a manner as to not create a risk of harm to persons or property.

(2) No pedestrian or vehicular traffic is permitted, on the dam, within 50 feet of the base of the dam or stilling basin unless approved by the Lake Manager or Board of Directors.

(3) Off road vehicles shall be defined as those which are not licensed for highway use by the Commonwealth of Pennsylvania. Off-road vehicles shall be required to be registered with the Association and display the appropriate identification sticker. Only off-road vehicles belonging to Members are permitted to operate within the Subdivision.

(4) Helmets shall be worn as required by State Codes for off-road vehicles and snowmobiles, with the exception being golf-carts used only on subdivision roads.

(5) All vehicles shall be kept in good safe mechanical condition and with all factory exhaust systems intact and shall not be used in such a manner which would constitute a nuisance to any other member or tenant or the community in general.

(6) Vehicles shall be operated in a safe manner at legal speeds and shall not trespass on any member's private property without their permission. Vehicles shall not be operated on Association property, other than the roads and assigned parking areas.

(7) No vehicle shall be on the road after dark without a front light and a rear red light.

(8) No motorized off-road vehicles may be operated on the LLPOA roads by a member or guest under the age of twelve (12) years, unless accompanied by an Association member in good standing.

(9) Proof of liability insurance will be required to register the vehicle with the Association; coverage should be in the amount of not less than \$15,000.00.

(10) Violation of these vehicle regulations shall constitute a trespass upon Association property.

## **VII. VANDALISM**

Any member, tenant, guest or visitor who willfully and intentionally damages any LLPOA property, or the property of any other LLPOA member in good standing, shall be liable for the cost of repair for any such damage and shall be subject to a fine of One Thousand Dollars (\$1,000.00) and suspension of membership privileges for a period to be determined by the Lake Latonka Property Owners Association Board of Directors.

## **VIII. ENFORCEMENT REGULATIONS**

(1) Any member, tenant or guest violating any of the aforementioned rules and regulations shall be subject to the enforcement provisions of these regulations.

(2) Any member, tenant or guest having been issued the written warning or who has received actual communication of same and again violated any of the foregoing rules and regulations, may be subject to being charged by the Board of Directors and/or the Security Personnel as a defiant trespasser under Section 3503 (b) of the Pennsylvania Crime Code which make such defiant trespass a misdemeanor of the third degree.

(3) Any other person, including a member, tenant or guest, who may be barred from the use of the beach, common areas and other facilities of the Association pursuant to the terms of these By-Laws, will be considered a defiant trespasser without the necessity of issuing a written or oral warning, given these By-Laws such person is put on notice against such trespass being neither licensed nor privileged to enter upon or utilize the beach, common areas and other facilities of the Association exclusive of the roadway.

## **IX. MISCELLANEOUS REGULATIONS**

The following Resolutions which are incorporated by reference have been adopted by the Board of Directors of LLPOA and supplement the Rules and Regulations above:

- 1) **8-2009**      **Wood Fired Furnaces**  
Wood fired furnaces are defined by this resolution and are prohibited at Lake Latonka.

- 2) **7-2009**      **Trespassing below dam - stilling basin and fishing basin**  
Trespassing below the dam and in the stilling basin at the base of the spillway and fishing in the basin are prohibited.
- 3) **R-6 of 2002**      **Dues payment policy as amended 6/12/2008**  
Payment of dues, including penalties and interest for late payment, are established by this resolution.
- 4) **R-4 of 2007**      **Alcohol prohibited at meetings of Board and Committees**
- 5) **R-2 of 2006**      **Conduct of Public Meetings**  
This resolution establishes the practices and procedures for the conduct of public meetings of LLPOA.
- 6) **No. 3 of 2007**      **Commercial Vehicles stopping, standing, parking**  
This resolution establishes regulations for the use of LLPOA roads by commercial vehicles and requires the setting of cones when such vehicles are stopped on the roads of Lake Latonka.
- 7) **No. 7 of 2006**      **Sexual Harassment Policy**  
Lake Latonka has an extensive sexual harassment policy prohibiting sexual harassment of any kind of employees, contractors and others by anyone employed or under the control of LLPOA.
- 8) **No. 5 of 2006**      **Cutting/Removal of trees**  
Cutting trees on private lots requires a permit available at the office.
- 9) **No. 1 of 2006**      **Outdoor trash containers**  
Regulates the placement and use of outdoor trash containers.
- 10) **R-6 of 2005**      **Shoreline control**  
Establishes criteria for erosion control along private shorelines.
- 11) **R-15 of 2003**      **Limitations on number of building permits annually**  
Limits the number of building permits which may be issued annually by LLPOA.
- 12) **R-11 of 2003**      **Policy on bulletin boards**  
Establishes the criteria for placement of signs and advertising on LLPOA bulletin boards.
- 13) **R-10 of 2003**      **Regulations of signs**  
Establishes the criteria and permitting of certain signs on members property and on LLPOA property.

- 14) **R-5 of 2003** **Fishing by guests**  
Establishes LLPOA policy for fishing by members' guests.
- 15) **R-1 of 2003** **Definitions of "New Home", "Remodeling"**  
Establishes criteria for determining whether construction is new home or remodeling.
- 16) **R-2 of 1996** **Boat stickers**  
Establishes the requirement and payment for stickers for boats to be operated on Lake Latonka.
- 17) **R-3 of 1994** **Erosion control - lakefront lots**  
Imposes requirements on lakefront lot owners to establish erosion control measures.
- 18) **R-4 of 1994** **Fall removal of boats from Association docks**  
Provides the requirement for removal of boats from LLPOA owned docks at the end of the boating season.

Any violation of these Miscellaneous Regulations is subject to the enforcement provisions set forth herein.

The following policies which are incorporated by reference have been adopted by the Board of Directors of LLPOA and supplement the Rules and Regulations above.

- 1) **Executive Judicial Review Committee Policies and Procedures dated August 28, 2008**  
Establishes the Executive Judicial Review Committee and provides appeal procedures for members who have been fined or otherwise disciplined in accordance with LLPOA rules and regulations.
- 2) **Dock Rules and Regulations for Docks 4, 8 and 10 dated February 23, 2006**  
Establishes rules and regulations for the use of Docks 4, 8 and 10 by members of LLPOA.

## **ARTICLE III – CONSTRUCTION COMPLIANCE REGULATIONS**

### **SHORT TITLE-PURPOSE-SCOPE**

1. **Short Title:** These regulations shall be known and may be cited as the Lake Latonka Property Owners' Association, Inc. Construction Compliance Code.

2. **Purpose:**

- (a) To promote the health, safety and welfare of the Lake Latonka Community and its residents.
- (b) To establish rules, regulations, definitions and guidelines for the construction of any and all structures in the Lake Latonka Subdivision and associated property.
- (c) To conserve and enhance property values.
- (d) To provide for administration and enforcement of this code
- (e) To establish lawful uses of property covered hereby.

**DEFINITIONS**

1. **ACCESSORY STRUCTURE:** A building, not including a garage, on the same lot with, but detached from, the residence and which is customarily incidental and subordinate to the residence including:
  - (a) **STORAGE BUILDING OR SHED-**a structure typically used for storage of household items, lawn equipment and the like and constructed in accordance with this code.
  - (b) **GAZEBO AND PRIVATE PICNIC SHELTER-**an open structure under roof used only for seating, dining or picnic use and constructed in accordance with this code. Sunshades, awnings, umbrellas and the like are not included as accessory structures.
  - (c) **DOCKS, AND SHORELINE** erosion control measures constructed in accordance with LLPOA Resolutions R-6205 and R-31994, shall not be considered accessory structures.
  - (d) No other accessory structures shall be permitted.
2. **LIVING SPACE:** Living space shall be calculated by adding all inside dimensions of all rooms, bathrooms, hallways and foyers. Closets, crawl spaces and the like shall not be counted in calculating living space.
3. **STRUCTURE** - Any man-made object having its situs on or in land or water whether or not affixed thereto.

4. DWELLING, SINGLE FAMILY: A residential building containing one (1) dwelling unit and which has a minimum of nine hundred (900) square feet of living space on the ground floor or first floor exclusive of porches.
5. LOT: A parcel of land, or two or more contiguous parcels under common ownership which are used or proposed to be used or developed as a single entity under the terms of this Code.
6. NON-CONFORMING STRUCTURE: A structure or part of a structure not in compliance with the terms and requirements of the Construction Compliance Code as of the date of its adoption but which was lawful prior to its adoption.
7. STRUCTURAL ALTERATION: Any change in the support members of a structure such as bearing walls, columns, beams or girders; changes in means of ingress or egress; enlargement of floor area or structure height or relocation of a structure from one position to another.
8. YARD: The required open space located on a lot within which no structures may be placed or erected.
9. HOUSE TRAILER: A residential housing unit designed to be installed and attached to the land and public utilities but excluding campers, camping trailers, motorhomes and the like .
10. ATTACHED GARAGE: A garage structurally included within the dwelling and consisting of no more than three (3) standard stalls
11. DETACHED GARAGE: A garage separate and not structurally included within the dwelling and consisting of no more than three (3) single standard stalls and not exceeding 1250 square feet in area.

## **USE REGULATIONS**

**Section 1. Principal Use:** Only one single family detached dwelling shall be permitted on any lot. No lot may be used for any other purpose than residential except such lots as are designated for other purposes on the original subdivision plan.

### **Section 2. Accessory Structures**

A lot with a single family dwelling constructed thereon may have either an accessory structure as defined herein or a detached garage as that term is defined herein but not both. No lot shall have more than one detached structure thereon. Accessory structures other than garages shall not exceed one hundred ninety-two (192) square feet in area.

**Section 3. General Regulations**

- (a) Not more than one accessory structure shall be constructed on any one lot.
- (b) No accessory building or structure of any kind shall be erected prior to the erection of a dwelling house.
- (c) No accessory structure shall be constructed, used or occupied as living quarters. No garage shall be equipped with kitchen or food preparation facilities of any kind and may not be occupied as living quarters for a period exceeding two (2) weeks.
- (d) No structure shall have tar paper, roll brick siding or similar material on outside walls.
- (e) No house trailer, tents, shacks, portable carports or similar structures shall be erected, moved or placed upon any area or lot within Lake Latonka boundaries.
- (f) Culverts - All culverts must be at least 18" in diameter. Alternate sized culverts may be approved by the LLPOA General Manager where conditions dictate.
- (g) Lights - Outdoor lighting shall not be offensive to neighbors. Outdoor lighting shall not create a hazardous situation and shall not shine beyond the boundaries of the owner's property or dock and shall not exceed a height of twenty-five feet above the ground level. Existing lighting must be brought into compliance upon transfer of property.
- (h) No structure shall be built or placed on any easement owned by LLPOA or any other firm or person.
  - (i) All new residential construction shall include underground electric, cable, internet and any and all communication service from the street to the structure. No overhead wires, or utility conduit, including private utility poles, shall be placed on the building site property for use in the support of any services from the street or side yard or driveways or rear yard. (Effective 1-8-2015).
- (j) No lot may be cleared or disturbed unless a building permit has been issued by LLPOA.

#### **Section 4. Docks**

Private docks may be erected on lake front lots in compliance with this code and upon receipt of a permit from Lake Latonka Property Owners' Association and the Pennsylvania Department of Environmental Protection. No Lake Latonka Property Owners Association permit will be issued unless applicant has procured applicable DEP permits.

- (a) Docks shall not extend further than thirty (30) feet from the shoreline.
- (b) Docks shall not be surrounded by fences or other vertical structures except support posts which may extend above the dock surface to a height not greater than three (3) feet. Support posts may not be closer together than three (3) feet.
- (c) Docks equipped with a boat lift may employ a cover or roof with the approval of the LLPOA General Manager pursuant to guidelines prescribed by the Lake Latonka Property Owners' Association Board of Directors.
- (d) Docks shall be set back at least six (6) feet from adjoining property lines. Alternate setbacks may be approved through a variance hearing where conditions dictate. *Effective 8.8.2019.*
- (e) No dock shall exceed thirty (30) feet in width along the water line.
- (f) No boat docks, floats, or other structure extending into the lake shall be constructed or placed into or on Lake Latonka without approval of Lake Latonka General Manager and Pennsylvania DEP.

#### **Section 5. Fences**

No fences shall be erected except in compliance with this code.

- (a) No fence may be constructed within sixty (60) feet of the Lake Latonka high water mark.
- (b) No fence shall be constructed at any location which impairs the view of neighboring properties of the Lake or any natural vista.
- (c) Fences shall be set back at least five (5) feet from adjoining property lines.
- (d) No fence shall be constructed which obstructs the view of motorists.
- (e) No fence shall exceed four (4) feet in height measured from grade to the highest point of the fence.



- (f) No solid fence may be erected and all fences shall be constructed of traditional materials including wood, metal, plastic or vinyl.
- (g) The finished side of the fence shall face neighboring property.
- (h) Densely planted vegetation along property lines shall be considered as fences and subject to this regulation. No densely planted vegetation shall unreasonably obstruct the view of neighboring property owners.

**Section 6. Height Regulations**

- (a) Principal structures:
  - 1. Maximum height – 2 ½ stories – not to exceed 35 feet.
- (b) Accessory structure:
  - 1. Maximum height for accessory structure shall not exceed 2/3 of the height of the principal structure, except for one story principal structures where the height shall not exceed the height of the principal structure. The height of the principal structure shall not include chimneys, cupolas or other utility or architectural features but shall be measured from the peak of the principal structural roofline or member to the ground.

**Section 7. Area Regulation**

- (a) The maximum percentage of lot covered shall not exceed 35% including accessory structures.
- (b) The minimum front yard depth shall be 25 feet from the road right of way of Lake Latonka owned roads.
- (c) The minimum side yard width shall be 10 feet from each property line.
- (d) No structure except a dock or an approved shoreline erosion control device may be placed or erected within sixty (60) feet of the Lake Latonka high water mark.
- (e) Minimum rear yard depth for other than water front lots shall be 35 feet for principal structure and 10 feet for an accessory structure.
- (f) Corner lots-the minimum set backline shall conform to the set back of 25 feet from the road right of way of each street.

- (g) Minimum floor area shall be at least 900 square feet of living space, as defined herein, on the ground floor or the first floor exclusive of porch area.
- (h) A minimum of 66% of a home's roof shall have a minimum pitch of 6/12. (??)
- (i) All structures must be primarily of masonry, including masonry siding, or wood construction (aluminum, fiber and vinyl sidings are permitted).
- (j) No structure shall be built or located within the required yard setbacks.

#### **ARTICLE IV. SIGN REGULATIONS**

##### **Section 1. Signs not Requiring a Permit**

- (a) Real Estate for Sale or For Rent Signs:

One sign for such purposes shall be permitted on the property for sale or rent providing the sign surface shall not exceed six (6) square feet. An additional sign, subject to the same size restriction, announcing an "open house viewing" is permitted for three days prior to the date of the open house and for one day after the date of the open house. One small directional sign not to exceed three (3) square feet is also permitted, at the street entrance on the LLPOA real estate right of way, for a property or sale or rent that is located on a street that has no through outlet. All such "open house" signs must be removed on the day following the open house event and real estate for sale signs must be removed on the day of closing.

- (b) Special Display Signs:

Special display signs for holidays, political elections, charitable events or other special events of interest to the general membership do not require individual approval. These signs must be located on private property, not Association property, may not be erected earlier than three (3) weeks prior to the event or elections and must be removed the day following the event or elections. Such signs shall not exceed six (6) square feet.

##### **Section 2. Signs Requiring a Permit**

- (a) No other signs except those identified in (b) below shall be permitted in the LLPOA subdivision.
- (b) A single temporary commercial sign not exceeding six (6) square feet such as those posted by building or roofing contractors may be permitted only on the property where the work is being done and shall be subject to a fee for the privilege of advertising services within the community. This fee shall be in an amount as set from time to time by the LLPOA Board of Directors and shall be paid at the time the permit is applied for in addition to the regular permit fees. The sign shall be removed upon completion of the work.

**Section 3. Vision Obstruction**

- (a) A sign must be placed in a safe location that does not cause a danger to traffic by obscuring the view from a side street or driveway or in any other way interfere with traffic.

**Section 4. Illumination:** No sign may be illuminated.

**Section 5. Sign Violation Fee**

- (a) Any sign that does not meet the requirements specified in Article IV, Sections 1 through 4, is subject to removal without notice to the sign or property owner. A removed sign will be held at the Lake Office for a 30 day period where it can be claimed by the owner subject to the payment of a sign violation fee. The sign violation fee will be in an amount as set from time to time by the LLPOA Board of Directors.

**ARTICLE V. JUNK YARD OR UNDESIRABLE DUMPING**

**Section 1. Discarded Material:** No discarded material, junk, refuse, or articles will be permitted to accumulate on any lot or locations within the LLPOA subdivision.

**Section 2. Vehicles:** No abandoned, unregistered, unlicensed, junked or wrecked automobiles or motor vehicles will be permitted on any property within LLPOA subdivision.

**Section 3.** If any violation of this Article V occurs, the Lake Latonka Property Owners' Association Board of Directors shall have authority to remove said substances and objects and assess the cost of such removal against the property owner or member in the manner established for assessing and collecting dues.

## **ARTICLE VI. NON-CONFORMING USES, STRUCTURES**

**Section 1. Treatment of Non-Conformity:** Structures or uses including densely planted vegetation which were lawful when constructed or commenced and which were in existence on December 14, 2017, which would be prohibited under the terms of this code, may continue until they are removed. Non-conformities shall not be enlarged or expanded. Nothing in this code shall be deemed to require a change in construction which was lawfully begun prior to the effective date of adoption or amendment of this code and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner. When a lawful structure exists at the effective date of adoption or amendment of this code that could not be built under the terms of this code by reason of any provision herein, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) Such structure may not be enlarged or altered.
- (b) Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this code unless a variance is granted by the LLPOA Board of Directors.
- (c) Should such structure be moved for any reason for any distance whatever, it shall therefore conform to the regulations established by this code.
- (d) All non-conforming structures, excluding residences and garages, shall be removed or brought into compliance with this code upon transfer of title by any means.

## **ARTICLE VII. VARIANCES**

**Section 1. Application Standards:** The LLPOA Board of Directors may, upon receipt of written application and payment by the applicant of the fee established by the Board, grant a variance from the provisions of the Construction Compliance Code but only upon satisfaction by the applicant of all the following conditions:

- (a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is not financial and is due to such unique physical conditions, and not the circumstances or conditions generally created by the provisions of the Construction Compliance Code, and
- (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Construction Compliance Code and that the authorization of

a variance is therefore necessary to enable the reasonable use of the property,  
and

- (c) That such unnecessary hardship has not been created by the property owner.
- (d) That the variance, if authorized, will not alter the essential character of the neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, and will not be detrimental to the health, welfare or safety of the Lake Latonka Community, and
- (e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting a variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Construction Compliance Code.

## **ARTICLE VIII**                      **HIGHWAY OCCUPANCY PERMITS**

No member of LLPOA, nor any contractor, utility or other person or firm, shall do any work, excavation, digging or other disturbance including driveway resurfacing or installation within any LLPOA road right of way without first having obtained a Highway Occupancy Permit.

- (a) Highway Occupancy Permits may be issued only by the General Manager of LLPOA pursuant to guidelines prescribed by the LLPOA Board of Directors.
- (b) Applicants shall make application on forms prescribed by the LLPOA Board of Directors and pay the required fee.
- (c) Such application shall be accompanied by such drawings, site plans, specifications or other underlying data that the LLPOA General Manager shall require.
- (d) The Highway Occupancy Permits may be enforced or revoked in the same manner as Construction Compliance Permits under Article XI.

## **ARTICLE IX.**                      **ADMINISTRATION AND ENFORCEMENT**

**Section 1.**     **Intent:** It is the intent of this Article to describe the procedure for administration and enforcement of this Construction Compliance Code and the duties and responsibilities of the Lake Latonka Property Owners' Association Compliance Inspector.

**Section 2. Lake Latonka Permit Inspector:** Lake Latonka Property Owners' Association shall appoint the Lake Latonka Construction Compliance Inspector who shall have all the powers and duties conferred on him. The LLPOA Construction Compliance Inspector shall administer this Construction Compliance Code in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Construction Compliance Code. The Construction Compliance Inspector's duties shall include the following.

**Section 3. Receipt of Applications for Construction Compliance:** The Construction Compliance Inspector shall receive applications for permits filed in accordance with Section 4 prior to the start of construction or development by a developer and which describes the proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable LLPOA requirements.

**Section 4: Issuance of Permits:** It shall be unlawful to use or change the use of any structure or lot or erect, structurally alter or enlarge any structure without obtaining a Construction Compliance Permit and Certificate of Occupancy.

- (a) Construction Compliance Permit: It shall be unlawful to structurally alter, enlarge, move, remove or construct any structure, including fences, signs requiring a permit, docks and shoreline erosion control devices without obtaining a Construction Compliance Permit. All applications shall be submitted in accordance with Section 17. The Construction Compliance Inspector shall review all applications for compliance with applicable codes, rules, regulations, by-laws, deed restrictions, and shall issue a Construction Compliance Permit or a written decision denying the permit which contains references to the requirements which have not been met within ninety (90) days of receipt of application.
- (b) Permit for Temporary Structure: Permits for temporary structures related to construction work authorized under a valid Construction Code Permit may be issued by the Compliance Inspector only for the time that construction work is in progress and for a period not to exceed six (6) months. The permit may be renewed upon demonstration of continued need for the structures; however, all temporary structures shall be removed upon completion of construction.
- (c) Certificate of Use and Occupancy: It shall be unlawful to use or occupy any structure or lot without a Certificate of Use and Occupancy. Upon completion of construction, reconstruction, alteration or movement of any structure, including fences, docks and approved shoreline erosion control devices, the holder of the Construction Compliance Permit shall notify the Construction Compliance Inspector that the work has been completed and the structure is ready to be used or occupied. Upon inspection and a determination that all code regulations and any conditions attached to the issuance of any permits have been met, the Construction Compliance Inspector shall issue a Certificate of Use and Occupancy.

**Section 5: Expiration of Permits:** No Construction Compliance Permit for the excavation, erection, demolition, alteration or removal of buildings or structures shall be valid after six (6) months from the date of issuance thereof, unless the work authorized by such permit shall have been substantially commenced within six (6) months from the date of issuance and prosecuted with due diligence. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted by virtue of any reasonable cause and not due to his own negligence, the permit may be renewed without additional cost to the applicant. Otherwise, the applicant shall pay an additional permit fee. No additional permit will be issued without approval of LLPOA Board of Directors.

If, after commencement of construction, the work is discontinued for a period of three (3) months without reasonable cause outside the applicant's or contractor's control, such permits shall be void and work may not be commenced until a new permit shall have been issued and paid for.

**Section 6: Revocation of Permits:** A Construction Compliance Permit or Certificate of Use and Occupancy for any structure or use shall be revoked and withdrawn by the Construction Compliance Inspector if the holder of such permit or certificate has failed to comply with the requirements of this code or with any conditions attached to the issuance of the permit or certificate. Upon revocation of a permit or certificate, the holder may also be subject to the penalties for violation specified in Section 11 of this code.

**Section 7: Inspections:** The Construction Compliance Inspector may examine, or cause to be examined, all structures and/or land for which a Construction Compliance Permit or a Certificate of Use and Occupancy has been applied for or issued. Such inspections may be made from time to time during construction and shall be made upon the termination of construction, if any, and prior to the issuance of a Certificate of Use and Occupancy.

**Section 8: Responsibilities of the Applicant:** It shall be the responsibility of the applicant to apply for and secure all permits and certificates required by this code. The applicant shall be obligated to contact the Construction Compliance Inspector and secure a Certificate of Use and Occupancy after the completion of development and/or prior to the occupancy of any structure or lot. Failure to secure necessary permits or certificates or failure to apply for same in a timely fashion shall constitute a violation of this code and shall be subject to the penalties for violation specified in Section 10 of this code.

**Section 9: Site Maintenance:** Applicant shall at all times maintain the construction site as neatly and orderly as possible. All weeds and vegetation shall be cut and/or cleared. No debris, trash, unnecessary material or clutter shall be permitted on the site. In the event a permit expires and is not renewed within thirty (30) days, all construction material, tools, equipment and any other property not fully incorporated in the structure shall immediately be removed after written notice from LLPOA. In the event applicant fails to comply with LLPOA written directive, LLPOA may enter upon the property and take any necessary action to clean up the site and remove materials.

**Section 10: Time for Issuance:** Permits required under this Code shall be issued within ten (10) working days of the submission of a completed application and the payment of all fees.

**Section 11: Engineering Review:** LLPOA reserves the right to require an engineering review of any permit by LLPOA consulting engineer at the sole cost and expense of the applicant.

**Section 12: Enforcement:**

- (a) **Violations:** Failure to comply with any provisions of this code, the LLPOA by-laws or the deed restrictions, or to secure a required permit, prior to the erection, construction, extension, alteration, relocation or addition to a structure, or failure to secure a Certificate of Use and Occupancy for the use or change of use or occupancy of structures or land, or failure to secure any other permit herein required, shall be a violation of this code.
- (b) **Notice of Violations:** When written notice of a violation of any of the provisions of this code has been served by the Construction Compliance Inspector on the owner, agent or occupant, contractor or builder, such violation shall be discontinued immediately.
- (c) **Penalties:** For every violation of the provisions of this code, the owner, and any tenant, shall be liable to a penalty not exceeding \$500.00 and/or suspension of LLPOA membership privileges for each and every offense; and whenever such person shall have been notified by the Construction Compliance Inspector or LLPOA that he is committing such violation of this code, each day that he shall continue such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. Such fines or penalties shall be imposed upon the property as a lien and may be collected in civil proceedings. LLPOA may enforce this Code by any other civil or equitable remedy available under the law.
- (d) **Remedies:** In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this code or of any LLPOA by-law or deed restriction, the LLPOA, in addition to other remedies, may institute in the name of the LLPOA, any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.



**Section 13: Application Procedures:** All applications shall be submitted in a form and manner acceptable to the LLPOA. All applications shall be accompanied by the required fee established by Resolution of the Lake Latonka Property Owners' Association Board of Directors.

**Section 14: Applications for Approval of a Site Plan:** All applications for a Construction Compliance Permit for new construction or expansion or structural alteration of an existing dwelling or garage shall include a proposed site development plan containing the following:

- (1) A survey of the property showing dates of preparation and revision;
- (2) Evidence of preparation by a registered surveyor, architect, landscape architect or engineer, if required to guarantee compliance with these requirements;
- (3) Area location map;
- (4) Existing and proposed contours;
- (5) Feasibility of proposals for disposition of storm water;
- (6) Traffic circulation on the site, ingress and egress to and from the site and layout of the proposed parking areas;
- (7) Landscaping plan.
- (8) All information required in Section 13 below.

**Section 15: Application for Construction Compliance Permits:** All applications shall be made in writing to the Construction Compliance Inspector on forms provided by the LLPOA. All applications shall include, as a minimum, building and plot plans of a satisfactory nature, in duplicate, and drawn to scale showing all of the following:

- (a) The location of all existing and proposed buildings and other structures, together with the location of yard setback lines, established in this code.
- (b) The location of all adjoining streets, roads and easements;
- (c) The location of all existing buildings on adjoining properties, within one hundred (100) feet of the side and rear lot lines of the subject property;
- (d) A statement regarding the proposed use of the building or structure;
- (e) A survey prepared by a registered engineer if required in the judgment of the Construction Compliance Inspector to guarantee compliance with this code.

- (f) Location of driveways and culverts proposed.
- (g) Such other information as is necessary for the Construction Compliance Inspector to ascertain whether the proposed erection, alteration, use or change in use complies with the provisions of this code.

In approving an application, the Construction Compliance Inspector may require such changes in plans as may be necessary to assure compliance with this code.

**Section 16: Fees:** The Board of Directors of LLPOA shall annually at its reorganization meeting establish a schedule of fees by Resolution, for all applications submitted under the provisions of this code. The schedule of fees shall be posted in the office of LLPOA.

**Section 17: Appeal:** Any action of the Construction Compliance Inspector may be appealed to the LLPOA Board of Directors within ten (10) days of the action complained of and payment of the appeal fee established by the LLPOA Board of Directors. The LLPOA Board of Directors may, but shall not be required to, hold a hearing on the appeal.

## **ARTICLE X. AMENDMENTS**

The regulations, restriction and boundaries as set forth in this code may from time to time be amended, supplemented, changed, modified or repealed in any manner deemed necessary by the LLPOA Board of Directors.

## **ARTICLE XI. VALIDITY**

If an article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this code shall be for any reason, declared illegal, unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect or impair the validity of this code as a whole or any article, section, subsection, clause, phrase, word or remaining portion of this code.

## **ARTICLE XII. REPEALER**

Any resolution or any part of any resolution conflicting with the provisions, regulations, limitations, and/or restrictions of this code shall be and at the same is hereby repealed to the extent of such conflict.

## **ARTICLE XIII. CONTROLLING AUTHORITY**

In the event any provision of this code conflicts with the LLPOA by-laws or recorded Deed Restrictions, then the applicable provision of the by-laws or deed restrictions shall control.

## **ARTICLE XIV. NO IMPACT HOME BASED BUSINESS**

1. The Deed Restrictions of the Lake Latonka Subdivision provide that lots in the subdivision shall be used exclusively for residential purposes except those lots that may be designated for business or commercial uses on the plot plan.
2. The term “residential purposes” has, due to the advance of technology, come to include the regular use of computer, cell phone, smart phone and high speed internet by individuals in their residence for both personal and business related purposes.
3. Accordingly, the Lake Latonka Property Owners Association Board of Directors has determined that certain business or commercial activities fall within the proper definition of residential purposes and do not offend the deed restriction cited above.
4. A single, no impact home based business may be operated by Lake Latonka Property Owners Association members in good standing, in a residence owned and occupied by the member, in accordance with the following Definition, Rules and Regulations.
  - (a) A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use of a residence as a residential dwelling and which involves no customer, client or patient visits or traffic, whether vehicular or pedestrian, pickup, delivery or removal functions of any kind, to or from the premises. To be permissible, the business or commercial activity must fall within the above definition and satisfy each and every one of the following requirements:
  - (b) The business activity shall be compatible with the residential use of the property and surrounding residential uses and there shall be no appearance that a business is being carried on in the premises;
  - (c) The business shall employ no employees other than family members residing full time in the dwelling;
  - (d) There shall be no display or sale of retail goods, no storage, delivery or inventory of any kind or nature.
  - (e) There shall be no outside appearance of a business use, including, but not limited to parking, signs or lights;
  - (f) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood;
  - (g) The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood;

(h) No advertising of any such business shall be made on Lake Latonka Bulletin Boards or in any common building or area in the subdivision;

(i) The business activity shall be conducted only and entirely within the dwelling and may not occupy more than 10% of the habitable floor area. No business shall be conducted in any garage or accessory structure;

(j) The business may not involve any illegal activity.

(k) Violation of this article is punishable by a fine of Five Hundred Dollars (\$500.00) and suspension of membership privileges for each transaction prohibited hereby.

**ARTICLE XV: NOISE REGULATION**

(RESERVED)

**ARTICLE XVI: PROPERTY MAINTENANCE**

**1. MAINTENANCE RESPONSIBILITY:**

Every member, tenant or occupant of property in the LLPOA Subdivision shall maintain their property so as to prevent deterioration, infestation, accumulation of trash, rubbish, equipment or disabled, unlicensed vehicles or other unsightly and undesirable conditions, materials or property exposed to public view and/or constituting a public nuisance.

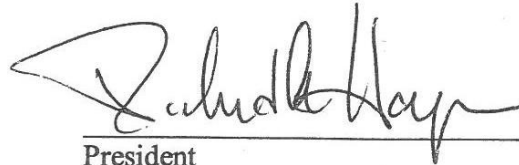
(a) Deterioration is the condition or appearance of the exterior of the building or any accessory structures or garage, or any part there, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other physical evidence of decay, neglect or lack of maintenance.

(b) Infestation is the presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.

(c) Nuisance is a condition of the property resulting in a public or private nuisance as defined by the laws of the Commonwealth of Pennsylvania.

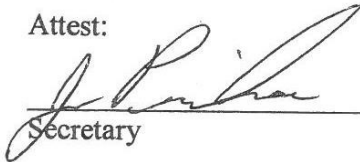
2. Violation of this article shall result in a cease and desist order issued by the Lake Manager. Failure to comply with the cease and desist order within thirty (30) days of its mailing by regular mail shall result in a fine of no less than Five Hundred Dollars (\$500.00) for each day thereafter the violation continues or suspension of membership privileges or both.

This Code is adopted this 14th day of December, 2017.



\_\_\_\_\_  
President  
Lake Latonka Property Owners Association

Attest:

  
\_\_\_\_\_  
Secretary

12/20/2017

*Effective 12-14-17 by motion*