

**HOLIDAY POCONO CIVIC ASSOCIATION INC.
RULES AND REGULATIONS**

**APPROVED BY
H.P.CA. BOARD OF DIRECTORS
*Amended & Adopted 03/20/2015***

Holiday Pocono Civic Association

Rules and Regulation

Holiday Pocono is an approved self govern Private Residential Community.

Holiday Pocono Civic Association, Inc. is a non-profit Planned Residential Community Association, organized by property owners and incorporated on January 10, 1963. Membership in the association shall consist exclusively of property owners which shall be a voting class

. Reference: 5103,5751(a) of 15 Pa C.S.A. @ 5101 – 5997 and 5301 of 68 Pa.C.S.@5101-5414 U.P. C.A.

Prospective purchasers of property in Holiday Pocono Development will be agreeing to give up some property rights for other benefits. They have the duty to become aware of restrictions, bylaws, rules and regulations as may be duly formulated and notices of everything that may bound them.

Reference: Deed Restriction #12, Finley v Glenn 154 A. 299,303 (Pa. 1931)

The Board of Directors shall make Rules and Regulations for the good of the Association and the Members of the Association.

The Rules and Regulations shall provide for the safety of the public and of the members and shall regulate the use of the assets of the Association.

Any member that violates the Rules and Regulations shall receive, in most cases, a Warning in writing for the first infraction. A fine will be imposed for each additional like violation. The amount of the fines will be set by the Board of Directors.

Imposed fines can be added to your assessment bill. Unpaid fines will be subject to the same legal collection procedures as unpaid assessments and the member's rights to privileges and amenities will be suspended until such a time as when said fines and assessments are paid in full.

Any appeals to a violation notice must be received in writing no later than twenty (20) days of the member's receipt of the violation notice. The member will be notified of a scheduled hearing before the Hearing Board. The member has the right to appear in person, have a representative and be given the opportunity to present oral and written testimony. The enforcement officer will also be given the same opportunity. The Board of Directors has thirty (30) days from the date of the hearing to notify the member in writing of the Hearing Board's decision. A fine schedule will be in the back of this booklet.

Reference: Deed Covenant#12, By Law #XX, and 68 Pa. C.S @ 5302(1) 5302 (11) of UPCA

Pa. Superior Crt. Midlake on Big Boulder Lake, Condominium Assn. v Ronald & Sondra Cappuccio. (1996)

Definitions

MEMBERSHIP: *The membership of Holiday Pocono Association shall consists at all times exclusively the property owners, who are the voting class.*

Reference; 68 Pa. C.S. && 5101-5414--- 5103 & 5757 of 15 C.S.A. 5101- 5997

HPCA Bylaw V

MEMBERS IN GOOD STANDING: *Is a member who is current with all maintenance fees and has all rights and privileges as a member.*

MEMBERS NOT IN GOOD STANDING: *Is a member whose maintenance fees are not current and all membership rights are suspended until they become current.*

RESIDENTIAL TENANT: *An individual or a group of individuals lawfully occupying a dwelling unit in Holiday Pocono for residential purposes with a qualifying lease and whose purpose is germane to the purpose of Holiday Pocono. These tenants will be considered a non- voting class.*

COMMON ROADS: *All members, regards of member status, maintain the right to the use of the roads of Holiday Pocono for ingress and egress to their property.*

RECREATIONAL AREAS: *All recreation areas are for the use of members in good standing, qualified resident tenants, the family and gratuitous guest of both classes.*

SINGLE FAMILY/HOUSEHOLD: *A family or a group of individuals in a single household who must not only function as family within that household, the composition of the group must be sufficiently stable and permanent as not to be characterized as purely transient.*

Holiday Pocono Civic Association

Rules and Regulations General

*WHEREAS, it is the desire of the Board of Directors of Holiday Pocono Civic Association Inc., (“hereinafter sometimes referred to as HPCA Inc.”) acting for and on behalf of **all Members** of the Association, to make the Holiday Pocono Development a **SAFER, MORE ATTRACTIVE AND MORE PLEASANT** community in which to live and own property; and WHEREAS, the Rules and Regulations that follow were adopted on July 22nd, 1978, amended & adopted on March 20,2015 as attested to by the signatures at the conclusion of this document.*

Effective March 20, 2015 this approved document shall supersede all other previous versions.

In their interpretation and application, the provisions of these rules and regulations shall be held to be the minimum requirements for the promotion of public safety, health, convenience, property and general welfare of the residents of Holiday Pocono Civic Association.

If any provision, paragraph, word section, or subsection of these rules and regulation is invalidated by a competent authority, the remaining provisions, paragraph, words sections, or subsections shall not be affected and remain in full force and effect.

NOW, THEREFORE, the Rules and Regulations of Holiday Pocono Civic Association, Inc. are amended as follows:

SECTION NO. 1 -

The Rules and Regulations that have as their basis the COVENANTS AND RESTRICTIONS contained in all deeds and the POWER OF ATTORNEY granted to HPCA Inc. by the Grantor, therein said Power of Attorney having been recorded in the Recorder of Deeds Office at Jim Thorpe, Pennsylvania. Copies of the covenants are found at the end of this section and are also attached to every Holiday Pocono deed.

SECTION NO. 2 -

Shall contain Rules and Regulations that have as their basis the Ordinances of Kidder Township, Carbon County, the Laws of the Commonwealth of Pennsylvania and the Laws of the United States.

SECTION NO. 3 -

Shall contain Rules and Regulations that are based on the By-Laws of Holiday Pocono Civic Association, Inc.

SECTION NO. 4 -

Shall contain Rules and Regulations established by the Board of Directors for the good of all members of the Association

*Reference: 5302(1) of 68 C.S. @5101-5414
Deed Restriction # 12
Bylaw # X*

Holiday Pocono Civic Association

Rules and Regulations

SECTION NO. 1 -

Rules and Regulations that have as their basis the **Covenants and Restrictions** contained in all deeds and the **Power of Attorney** given to HPCA Inc. by the Grantor, said Power of Attorney has been recorded in the recorder of deeds office at **Jim Thorpe, Carbon County, Pennsylvania.**

Based on Covenant #1.

PERMITTED TYPES OF BUILDINGS

No new building shall be erected or permitted to remain on a lot in Holiday Pocono other than a detached single-family dwelling with a private two-car garage.

NO new home construction or additions may commence without first (1st) applying for and receiving approval of a **Kidder Township Zoning Permit, Kidder Township Building Permit, and a Holiday Pocono (no cost) Permit.**

No dwelling unit may be used for any purpose other than Residential.

Based on Covenant #2.

BUILDING SET BACKS

Buildings must be set back at least forty feet (**40'**) from the **front lot line** and twenty feet (**20'**) from all other lines with the exception of the Hemlock Forest Section where a ten foot (**10'**) set back will be allowed for **side and rear yards** after obtaining **Kidder Township Zoning** approval from the Kidder Township Zoning Officer or **Hearing Board and HPCA permit.** Corner lots must be set back forty feet (**40'**) from both lines along the streets.

Based on Covenant # 3.

EASEMENTS

Holiday Pocono has a five (5) foot utility maintenance and drainage easement on the front and rear of each lot in Holiday Pocono. These easements shall not be obstructed.

Based on Covenant #4.

CAMPING NOT PERMITTED

No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other out building shall be used as a residence, either temporarily or permanently.

Camping is not permitted in this Development.

A home under construction cannot be occupied until a Kidder Township Occupancy Permit has been obtained.

Based on Covenant #5

PETS

Pets, such as dogs, cats, birds, etc. are permitted. Breeding of any type of animal for commercial purposes is prohibited. Animals, livestock, and/or poultry are not permitted.

No dogs, cats, or other animals referred to as household pets will not be permitted in the lakes or beach area. (PA. Dept. of Health)

All household pets must have a collar with tags identifying the owner and current rabies shot history.

Dog owners must follow the PA. Dog Leash Laws and not let their dogs run loose. Owners must maintain control of their dogs at all times.

Stray dogs, cats, and other household pets will be sent to the nearest Humane Shelter.

Based on Covenant #6.

TRASH - GARBAGE CANS

No lot shall be used or maintained **as a dumping ground** for rubbish. Trash, garbage or other waste shall be kept in sanitary containers.

Trash in Garbage Cans must be secured from dogs or wild animals. Trash should not be left out overnight.

Trash collection is in accordance with the Kidder Township trash collection contract. Trash is presently collected on Monday. If you leave on Sundays, kindly take your trash with you as trash cannot be put out twenty-four (24) hours before the scheduled trash pickup. Homeowners will be charged for cleanup and fined for violating the Rules and Regulations.

Based on Covenant #7.

INDIVIDUAL WATER SUPPLY SYSTEM

- A) No individual water supply (wells) will be installed without a Permit and approval from Holiday Pocono and Kidder Township.
- B) Holiday Pocono's utility easement must not be obstructed.
- C) Distance to surrounding septic systems must be supplied on permit maps.

SEPTIC SYSTEMS

- A) No individual septic may be installed without a Permit and approval from Holiday Pocono and Kidder Township
- B) Holiday Pocono's utility easement must not be obstructed.
- C) Distance to surrounding septic systems must be supplied on permit maps.
- D) All septic systems must be pumped out every three (3) years according to the schedule set by Kidder Township Septic Ordinance. Undersized or over taxed systems may need pumping more often.
- E) No septic system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of Holiday Pocono or the Commonwealth.

Based on Covenant #10.

EXISTING AND NEW CONSTRUCTION

Prior to any work being done, the property owner must submit to Holiday Pocono copies of all Permits, Site Plans, and any other requested documents or information related to the project for written approval. If approved, a Holiday Pocono (no cost) Permit will be issued. Holiday Pocono may have more stringent conditions than Kidder Township.

Construction activities such as driveways, blacktop, storage sheds, tree removal, retaining walls, and any project that will increase the impervious area of the property or impede stormwater drainage must have a Kidder Township and a Holiday Pocono Permit to begin. All new construction located in the hydric soils areas must have wetland delineation, even if it has perked. (See Section #2).

Based on Covenant #11.

CLEARING OF LOT NOT PERMITTED

CUTTING TREES NOT PERMITTED

Trees, Shrubs, Brush, etc. cannot be cut or cleared except as follows:

After a Permit has been obtained for a “PERC” test, cutting will be permitted as necessary for the test.

After the test results are in and a Building Permit is obtained, cutting will be permitted as is necessary for construction of the home only.

A Kidder Township and Holiday Pocono Permit must be obtained before any tree removal can begin. **(Kidder Township Ordinance #133)**

Homeowners may trim or remove trees in an emergency to protect their home or pedestrians from the danger of falling trees, branches, etc. however, Kidder Township and Holiday Pocono must be notified in a timely manner after the fact.

All stumps created by cutting or clearing **must be removed from the lot and Holiday Pocono grounds. Burying or burning of tree stumps is not permitted.**

Trees or Brush may be pruned as necessary for the purpose of survey lot lines.

The purpose of this requirement is to maintain stormwater controls around each lot and minimize flooding conditions.

UNDER NO CIRCUMSTANCES IS CLEAR CUTTING OF LOTS PERMITTED.

RENTAL

Holiday Pocono does not permit short-term or weekend transient type rentals, however, we do permit (with a qualified lease) long-term single-household type rentals for residential purposes only. *(non-voting class per 5751 15 Pa. @ 5101-5997)*

The homeowner or his/her representative (with written permission from the homeowner) must register his/her tenant and supply the terms of the lease to Holiday Pocono’s Office. The tenant must be supplied with a copy of the By-Laws and Rules and Regulations by the homeowner. Tenants are not entitled to the use of Holiday Pocono amenities without authorization from Holiday Pocono. The homeowner is responsible for the conduct of his/her tenant and will be liable for all fees and penalties that may occur as well as any damage the tenant may cause.

SIGNS

A. The Posting of any signs whether temporary or permanent at any area within the boundaries of Holiday Pocono are strictly **Prohibited**.

B. The only three (3) exceptions to this are:

- 1) The Board of Directors may vote to place signs for the good of the Community.
- 2) Realtor "For Sale" Signs, **PROPERLY** maintained, and not exceeding six (6) square feet Not more than one (1) sign per property unless the property fronts more than one (1) street then a sign may be placed on each frontage.
The signs shall be set back at least ten (10) feet from any public or private street right-of-way line.

Official Candidate/Political signs are allowed during election periods only and **must be removed by the property owner within fifteen (15) days of the end of the campaign** in accordance with Kidder Township, Carbon County Ordinance #180-50.

No Home Made signs are permitted or allowed.

No individual residential Yard Sale signs are allowed. All Yard Sales are held at Holiday Lake where space is provided for you.

Signs and/or balloons listing directions to a residence for a specific event being held at the residence **must be taped** to telephone poles and **must be removed** immediately after your function has ended.

3) The Bulletin Board.

C. Signs at the Bulletin Board must be given to the Administrative Secretary, and be of a community matter (no personal advertising). After review, approval and date stamp, the sign (not exceeding 8 ½" X 14") will be placed in the Bulletin Board for three (3) weeks. After that time signs will be removed.

Based on Covenant #16.

No member has the authority or right to rent or sell the use of Holiday Pocono amenities for any commercial purposes whatsoever.

COVENANTS

THE FOLLOWING ARE THE COVENANTS OF HOLIDAY POCONO CIVIC ASSOCIATION, INC. WHICH MAY ALSO BE FOUND ATTACHED TO YOUR DEED, AND WERE ISSUED BY THE ORIGINAL DEVELOPER.

The above described premises are sold and conveyed by the above named grantor and purchased and accepted by the above named grantee as evidenced by the payment of said consideration and acceptance of this deed as one (1) lot and may not be sub-divided in less than single lots, and upon, under and subject to the following express covenants and conditions and restrictions, which shall run with the land.

1. The premises hereby conveyed, shall be used for residential purposes only. No building shall be erected, altered, placed or permitted to remain on the premises hereby conveyed other than one (1) detached single-family dwelling, not to exceed two (2) and one-half stories in height, and a private garage for not more than two (2) cars.
2. No building shall be located on any lot nearer than 40 feet to the front lot line, or nearer than 20 feet to any side Street line, or nearer that 20 feet to an interior lot line.
3. Easements for installation and maintenance of utilities and drainage facilities are reserved over the front and rear 5 feet of each lot.
4. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other out-building shall be used on any lot at any time as a residence, either temporarily or permanently.
5. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose.
6. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall be kept in sanitary containers.
7. No individual water supply system shall be permitted on any lot or building site unless such system is located, constructed and equipped in accordance with the requirements, standards and recommendations of the State or local public health authorities.
8. No individual sewage disposal system shall be permitted on any lot or building site unless such system is located, constructed and equipped in accordance with the requirements, standards and recommendations of the State or local public authorities.
9. No building or structure shall be erected upon the premises hereby conveyed without first obtaining the approval, in writing, of the Grantor, as to location, elevation, plan and design. The Grantor shall approve or disapprove the said location; elevation plan and design with 15 days after the same have been submitted.
10. No excavation shall be made on the premises except for the purpose of building thereon and only at the time when building operations are to commence. No earth or sand shall be removed from the premises except as part of such excavations without written consent of the Grantor.
11. No Grantee shall clear his lot of brush, trees or anything else of inflammable nature except after having first obtained the approval of the Grantor in writing, such approval to specify the time and manner in which such clearing shall be made.
12. An association of all property owners is to be formed by the Grantor and designated by such name as may be deemed appropriate, and when formed, the buyer covenants and agrees

that he, his executors, heirs or assigns, shall be bound by the by-laws, rules and regulations as may be duly formulated and adopted by such association and that they shall be subject to the payment of annual dues and assessments of the same.

13. The buyer agrees not to sell, rent, lease or permit the premises hereby conveyed, excepting to persons first approved for membership in the aforementioned association, nor shall signs for advertising purposes be erected or maintained on the premises. **

14. The portion of the lands of the Grantor laid down on the map as streets are not dedicated to public use and title thereto shall remain in the Grantor subject to the right to convey to the association aforementioned with reservations, subject to the right of the Grantee and those claiming under them to use the same for ingress and egress to and from the public roads by the most direct course over the streets shown on said Map, and if and when dedicated for public use shall be made subject to the right of the Grantor to maintain or grant the right to maintain water mains, sewer pipes, street drains, gas mains, fixtures for street lighting, telephones and electric poles, within the lines of such roadways.

15. The restrictions as herein provided shall apply only to the above premises and may be changed by the Grantor when desired by it or its successors, said restrictions being imposed for the benefit of the remaining lands of the Grantor and lands which may be hereafter acquired.

16. The Grantee, their heirs and assigns, are granted the right and privilege of boating, bathing, fishing and ice skating in the Lake of the Grantor, known as Holiday Lake. None of the foregoing activities are to be engaged in for any commercial purposes whatsoever.

17. That any time in the future the Grantor, its successors or assigns, shall have the right to purchase said premises if the Grantor desires to sell. If, at any time, the Grantee, their heirs, executors or administrators, receive a bona fide offer for the premises and the Grantee, their heirs, executors or administrators, decide to accept such offer, they shall first give notice to the Grantor and Grantor shall have the right within thirty (30) days from the receipt of such written notice of purchasing said premises at the price offered by such other party. Should the grantor not exercise such option, the new grantee shall be required to sign and be bound by a like agreement.

18. All lake and stream front lots are subject to an easement of way over a ten (10) foot strip of land or path abutting on and parallel to the water's edge for the use in common of the Grantor and all owners of lots at Holiday Pocono Land, Inc., their successors, heirs assigned and gratuitous guests, which path the Grantee agrees to maintain in good passable condition at all times.

THE FOREGOING restrictions, conditions and covenants shall apply to the grantee, his, her or their heirs and assigns.

**** NOTE: Deed Restriction # 13 is implemented by 5751 of 15 Pa. C.S. Non-profit Code**

SECTION 2

Rules and Regulations that have as their basis the Ordinances of Kidder Township, Carbon County, the Laws of the Commonwealth of Pennsylvania and the Laws of the United States.

The fact that Holiday Pocono Development is PRIVATE does not exclude the people who are within the boundaries from the Laws of the Land. The Directors have requested the Kidder Township Police to operate within our boundaries and to enforce all laws of the land.

**ACCORDINGLY EVERYONE WITHIN THE BOUNDARIES OF
THIS DEVELOPMENT IS REQUIRED TO OBEY ALL APPLICABLE
MUNICIPAL ORDINANCES AND STATE AND FEDERAL LAWS.**

SECTION 2 continued:

EXISTING BUILDINGS AND NEW CONSTRUCTION

PRIOR TO ANY WORK BEING DONE, the property owner must submit to Holiday Pocono all Permits, Site Plans and any other documents or information relating to their project. The owner also assumes the responsibility for the conduct and any and all fines and violations which may be incurred by their Contractor(s), Sub-contractor(s) or their Employees.

Construction activities shall be permitted only during the following hours.

Week Days-8: 00 A.M.—6:00 P.M.

Saturday- 8:00--12:00 P.M.

No construction activity is permitted on Sunday

EXISTING BUILDINGS

- 1) The following regulated activities are **NOT PERMITTED** in Holiday Pocono without a **(No Cost) HPCA Permit**. The Home owner must submit copies of Kidder Township Permits; Site Plans, Surveys, Stormwater plans, and all related documents for the project to the Architectural and Environment (A&E) Committee. If approved, a **(No-Cost) HPCA Permit** will be issued.

Driveways, black top, storage sheds, fences, patios, carports, building additions, garages, retaining walls, tree removal, swimming pools over twenty-four (24) inches and any project that will cause a change of use, increase the impervious area of the property or impede stormwater controls.(Refer to Kidder Township Zoning Ordinances, Tree Ordinance, Stormwater Ordinance, Deed Covenants and Pa. Uniform Construction Code (UCC)).

- 2) All road and utilities easements must be observed on the front and rear of all properties This includes septic and well installation.
- 3) Holiday Pocono maintains a ten (10) foot easement around all lakes. Retaining walls, patios, sand or any other type of construction on the high pool shore line are **NOT PERMITTED**. The Carbon County Conservation District and The DEP regulate these areas.
- 4) All property owners are responsible to maintain **drainage culverts** located on their property and under their driveway.

SECTION 2 continued:

NEW CONSTRUCTION

New construction can not start until the owner or his representative submits all required documents for this project and receives a **(No-Cost) HPCA PERMIT**.

- ~~1)~~ A wet land study shall be required if the project is located in the hydric soil area of Holiday Pocono (as indicated on the NRCS soils map of Holiday Pocono.) The study shall be completed by the Army Corps of Engineers or a certified professional experienced in wetland sciences.
- ~~2)~~ The wetland shall be delineated and staked out until the completion of the project. The delineation shall be located on the survey prepared by a licensed professional surveyor.
- ~~3)~~ A sketch of a stormwater plan (made to scale by a professional) must be submitted to the HPCA A&E Committee for all new construction in Holiday Pocono.
- ~~4)~~ HPCA's stormwater controls shall not be altered.
- ~~5)~~ Stormwater shall not be diverted to adjoining property.
- ~~6)~~ The property shall not be elevated to cause run off to adjoining property.
- ~~7)~~ All road right of ways and utility easements must be observed. This includes the installation of septic systems and wells.
- ~~8)~~ All perk holes must be filled within ten (10) days of opening.
- ~~9)~~ All infiltration / absorption areas must be fenced off and protected against vehicles compacting the soil.
- ~~10)~~ All slopes of three (3) degrees or more must have silt fencing. Slopes eight (8) degrees or more must use super silt fencing. Silt fence must remain in place until construction is completed.
- ~~11)~~ All construction sites must use large stone tire scrubbers with a minimum of #3 stone or equivalent. Tire Cleaners **MUST** be cleaned and maintained throughout construction. Driveway dimensions must be extended at least forty (40) feet onto the lot to allow for off-road parking and deliveries.
- ~~12)~~ All temporary access driveways must be removed and the area restored after construction is completed.
- ~~13)~~ Tree stumps and construction debris must be removed from the property. **They cannot be buried or burned on the property**
- ~~14)~~ A dumpster for debris and portable toilet facilities must be on the site.
(Refer to: Kidder Township Stormwater Ordinance, Deed Covenants, PA. Title 25 Chapter 73 and the Uniform Construction Code)
- 15) All new homes must have an off street parking area.

SECTION 2 continued:

NON- IMPACT HOME-BASED BUSINESSES

Non impact home-based businesses are permitted with the following requirements:

- 1) The business activity shall be compatible with the residential use of the property and the surrounding residential uses.
- 2) The business involves no customer or client traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use.
- 3) There shall be no display or sale of retail goods and stockpiling of inventory of a substantial nature.
- 4) There shall be no outside appearance of a business use, including, but not limited to parking, signs, or lights.
- 5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference.
- 6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use.
- 7) The business may not involve any illegal activity.

Reference : Pa. Municipal Planning Code 603(I) and 107 definitions.

Kidder Township Zoning Ordinance # 180-53

SECTION 2 continued:

PROPERTY MAINTENANCE

Property owners are expected to maintain their property and structures within acceptable standards.

If health or safety hazards are apparent or the property is considered to be an unattractive nuisance, the owner will be notified and could receive a daily fine until the situation is corrected.

The following apply:

- A)** Boarded up windows and doors will not be permitted unless the property is under renovation and the job will be completed in a timely manner.
- B)** Empty or unfinished building shells and discarded construction debris on the property will not be permitted.
- C)** Lawns and/or landscape areas shall be maintained in a reasonable manner consistent with its environment.
- D)** Vacant lot owners (not Holiday Pocono) are responsible for any health or safety hazards that may originate from their property and has an effect on the public or HPCA's membership. They may also be assessed a clean up fee.

SECTION NO. 3 -

RULES AND REGULATIONS THAT ARE BASED ON THE BY-LAWS

(Based on Article VIII - OBLIGATIONS OF MEMBERS)

Every member shall conduct themselves so as to be an asset to the community.

Every member shall be responsible for the acts and conduct of their family, guests and tenants.

BADGES

Each member in good standing will be entitled to eight (8) badges to be used by the member's immediate family and gratuitous guest in accordance with the following:

- 1) Multi-home and/or lot owners are not entitled to additional badges. Badges are issued according to Article XI- Voting Rights.
- 2) If the member or residential tenant has a family function, the member or residential tenant can purchase up to eight (8) temporary badges for a specific time period. The fee for the additional badges will be set by the Board of Directors.
- 3) The member's badges may not be used by their residential tenant. If a member allows their residential tenant to use their member badges, the member's badges will be revoked and they will be assessed a fine.
- 4) Members, with a copy of their lease, may obtain badges specifically designed for use by their residential tenant. When the lease between the specific parties (homeowner and residential tenant) expires or changes, all residential tenant badges **must be returned** to our office. Failure to comply will result in a fine being assessed to the homeowner.
- 5) Badges must be worn or available upon request from any member or authorized personnel when in the recreation areas.

SECTION 3 continued:

(Based on Article XII – LEASING RIGHTS) Effective October 19,2012

(A)—Any member in good standing, who wants to lease their property, agrees not to lease their premises except to persons first approved for a **non-voting class** in Holiday Pocono Civic Assn.

(B)— The residential tenant must be registered with Holiday Pocono by the member or his/her representative (with written confirmation of said representation provided to Holiday Pocono Civic Association) and the terms of the lease must be for a duration of not less than twelve (12) months and a copy of the lease is to be supplied to Holiday Pocono prior to the tenant's move-in date.

(C)— Unregistered tenants will subject the member to penalties and possible criminal trespassing charges to the tenant.

(D)—The member shall provide his tenant with copies of the By-laws and Rules and Regulations prior to the tenant moving in. The tenant must comply with the same By-Laws and Rules and Regulations as the member.

(E)—The member is responsible for the residential tenant receiving the tenant badges for the use of amenities. Tenants may not use the amenities without the proper badges.

(F)—The tenant badges are valid for one year and must be renewed. Member's badges may not be used by the tenant. If the tenant uses the member's badges, the member's amenity badges shall be revoked and the member will be fined.

(G)— The member who leases his/her property accepts responsibility and liability for the action and conduct of his/her residential tenant.

(H)— No member has the right to sell amenity badges or the use of our amenities. –

(I)— The Association reserves the right to revoke the residential tenant's badges and revoke the member's leasing privileges if the tenant violates the terms of the lease, Deed Covenants, By-laws and Rules and/or Regulations.

(J)—Tenants are not permitted to sub-lease the premises.

Reference 5751 of 15 Pa.C.S.A. @5101- 5997 ---- HPCA BY LAW XII

Pa. Supreme Court Dawn Albert / Waverly Retreat v Zoning Hearing Board of North Abington Township July20, 2004

SECTION NO. 4 -

Rules and Regulations are established for the good of all members of the Association.

DIVISION A - TRAFFIC AND SAFETY

1 - The Maximum speed permitted for any vehicle on any road is twenty miles per hour (**20 MPH**). **All Stop and other traffic signs must be obeyed.**

2 - A vehicle is defined as an automobile, mini-bike, motor bike, motorcycle, golf cart, all terrain vehicles (ATV), moped, snowmobile, truck, or any other motor-driven device capable of transporting one (1) or more persons from one point to another.

3 - All vehicles including personal automobiles or equivalent vehicles used for family transportation, using the roadways of Holiday Pocono must be licensed and insured.

4 - All ATV'S and Snowmobiles must have proper registration and insurance to be operated on H.P.C.A. Roads, pursuant to PA State Law Chapter 77-33-55. A copy of this law is available at the H.P.C.A. office.

DIVISION B - OPERATION OF ANY LICENSED VEHICLE

1 - Vehicles are to be operated only on the roads in accordance with the speed limits established with safe driving habits. Note: Cherrywood Lane and The Pipe Line are **private property**.

2 - No vehicle is allowed on Lawns, Playgrounds, and the Berms of the Lakes and the Beach areas. The Beach and Dam areas are regulated by the PA. DEP. Any vehicle found on these areas will subject the member to a five hundred (\$500.00) dollar fine and the violator will be prosecuted for trespassing.

3 - Failure to observe these minimum requirements will result in a complete ban of the individual's vehicle from the Development Roads.

SECTION 4 continued:

DIVISION -D PARKING

1 - Parking of vehicles will be restricted to the designated parking areas at the community building and the lakes, or individual driveways.

2 - There shall be no parking on the roads any where at any time.

DIVISION -D GATE CARDS

Holiday Pocono provided two (2) gate cards to homeowners and one (1) gate card to lot owners. Multi-home and/or lot owners are not entitled to additional gate cards. Gate cards are used according to voting rights under **Article XI** of the By-Laws.

It is the seller's responsibility to give their gate cards to the buyer at settlement.

It is the buyer's responsibility to contact our office when they receive gate cards from the seller. If the transfer of cards is not recorded in our office, the new owner runs the risk of having the cards terminated in our system.

Homeowners and lot owners can purchase additional gate cards however homeowners may have a maximum of seven (7) cards and lot owners a maximum of three (3) cards.

It is the responsibility of the homeowner who is renting their property to provide gate cards to their residential tenant.

It is the responsibility of the homeowner to provide access for their guest, contractors, vendors, etc. into the development.

SECTION 4 continued:

DIVISION E - LAKE AND BEACH RULES

- 1 - Swimming is permitted **only** at PLACID LAKE and only in the designated swimming area. Swimming from boats outside the designated area is not permitted.
- 2- All Boats must meet the requirement of the Commonwealth of Pennsylvania.
- 3- **All Boats must be equipped with flotation devices** that will support the weight of the boat and all passengers when the boat is full of water.
- 4 - Gasoline engine powered vehicles and equipment are **not** permitted on the Lakes.
- 5 - Electric outboards are permitted.
- 6- Changing of clothing and nudity on the Beach is prohibited.
- 7- Appropriate attire must be worn at all times by members and their tenants and guests.
- 8 - Dogs and other pets are prohibited on the beach and in the water at Placid Lake. (Pennsylvania Board of Health Regulations)
- 9 – All recreation areas such as Placid Lake, Holiday Lake, Rifle Range, etc. are for the use of Association Members, registered tenants, their immediate family and gratuitous guests only. **Badges must be worn by everyone.**

THE LAKES IN HOLIDAY POCONO ARE SUBJECT TO ALL RULES OF THE COMMONWEALTH OF PENNSYLVANIA AND THE OFFICERS FROM THE DEPARTMENT OF WATER SAFETY, FISH WARDENS, AND GAME WARDENS HAVE JURISDICTION OVER THESE WATERS. THESE OFFICERS CAN ARREST AND ASSESS FINES ON THE SPOT.

SECTION 4 continued:

DIVISION F - BURNING

- 1- Open burning, and burning in containers is governed by the Ordinances of Kidder Township and the Pennsylvania Fire Wardens.
- 2 - No burning is permitted when the County or Township issues a **BURN BAN**.
- 3 - **Any** unauthorized fires will be extinguished by the Albrightsville Fire Department and the cost of this work charged to the property owner.

DIVISION G - HUNTING AND FISHING

- 1 - Hunting is absolutely prohibited within the boundaries of **HOLIDAY POCONO**.
- 2 - Anyone caught hunting in Holiday Pocono will be reported immediately to the Game Warden for prosecution.
- 3 - The Discharge of any type of firearms in Holiday Pocono is **prohibited with the exception of the area designated for target shooting**. The designated area for target shooting is the range located at the Eastern End of Sunny Glade Drive.
- 4 - Fishing is permitted in Holiday Lake and Placid Lake, with a valid Pennsylvania fishing license and current H.P.C.A. Badge.

A) Rules are posted at both Lakes and are to be followed.

- 5 - Fishing is permitted in Laurel Run and Swamp Run.
- 6 - All the Rules of the Pennsylvania Fish and Boat Commission apply to these Lakes and Streams and all fishing must be done in accordance with Pennsylvania Law. The seasons and limits established by the Pennsylvania Fish and Boat Commission apply to these Lakes. All fishermen, sixteen (16) years and older must have a Pennsylvania Fishing License.

* Inspections by the Fish and Boat Commission are done periodically.

- 7- Holiday Pocono has posted information at Holiday Lake as follows:
Holiday Lake is for the use of Association Members, qualified residential tenants, their immediate family and *gratuitous* guests. **Badges must be worn by everyone.**

Visitors **‘NOT’** staying in Holiday Pocono **must** be accompanied by a member in good standing while fishing. **NO SWIMMING OR SCUBA DIVING in HOLIDAY LAKE.**

Trout Limit - - Three (3) per day.

Rod Limit - - Two (2) per person.

NO VEHICLES ON GRASS OR AROUND LAKES.

Boating - - **No Outboard Motors** - - small electric motors permitted.

Life Jackets or Floating cushions are required.

Trespassers will be prosecuted.

- **Taken from Summary of Fishing Regulations, and Laws of Pennsylvania Fish & Boat Commission.**
- **All boats must be removed from the water after each use.**

RULES FOR THE RIFLE RANGE

Maintaining and operating the Rifle Range places a large liability on the membership of Holiday Pocono. It is imperative that safe and responsible shooting practices and rules set forth below be followed. Violators will subject the member to lose their Rifle Range privileges and the heaviest fine possible will be assessed. Rules will be posted at the range. All range rules may change as needed.

A) Range Hours are **10:00 AM till DUSK** Monday thru Sunday. Shooting is not permitted during Hunting season.

B) Only Paper Targets allowed. No Cans, Bottles, Armor Piercing, Tracer Ammunition or Exploding Targets are permitted.

C) Shooting allowed only in designated area.

D) Children under the age of 18 using the Range must be accompanied by an adult member.

E) People using the range must clean up when finished.

F) No fully automatic weapons allowed.

G) Normal shooting range safety precautions shall be used.

H) Badges must be worn and range cards carried when using the range. Residential tenants are not permitted to use the Range. Guests must be accompanied by the member or an adult family member living in the same household.

I) Each household is issued one (1) Range Gate Key upon request. Lost key replacement charge is \$50.00

J) Alcohol beverages are prohibited on range.

k) No ARMOR PIERCING AMMUNITION, TRACER ROUNDS OR EXPLODING TARGETS ARE PERMITTED.

Violations and fines

<i>Violation</i>	<i>1st. Offense</i>	<i>2nd offense</i>	<i>3rd offense</i>
<i>Speeding in excess of 20 mph</i>	<i>Warning</i>	<i>\$50.00</i>	<i>\$100.00*</i>
<i>2) Stop sign violation</i>	<i>Warning</i>	<i>\$50.00</i>	<i>\$100.00*</i>
<i>3) Passing a school bus that is loading passengers</i>	<i>Zero Tolerance \$300.00**</i>		
<i>4) Parking or riding any vehicle on the Berm of the Dam.</i>	<i>Zero Tolerance \$ 500**</i>		
<i>5) Pa. Unregistered and uninsured ATV</i>	<i>Warning</i>	<i>\$50.00</i>	<i>\$100.00*</i>
<i>6) Illegal Dumping</i>	<i>Zero Tolerance \$300.00 + clean up**</i>		
<i>7) Damage to Amenities</i>	<i>\$250.00 + Repair or Replacement**</i>		
<i>8) On street Parking</i>	<i>Warning</i>	<i>\$100.00</i>	<i>\$300.00*</i>
<i>9) Breaking or Lifting Gate Arm</i>	<i>\$100.00 + repair or Replacement**</i>		
<i>10) Any Badge Violation</i>	<i>Warning</i>	<i>\$100.00</i>	<i>\$200.00*</i>
<i>11) Rental Policy Per Day</i>	<i>Warning</i>	<i>\$200.00</i>	<i>\$300.00*</i>
<i>12) Firearms / hunting</i>	<i>Zero Tolerance \$500.00* (**)</i>		
<i>13) Range Violations</i>	<i>Zero Tolerance \$500.00 and Possible lost of range privileges*(**)</i>		
<i>14) Property Maintenance</i>	<i>Warning</i>	<i>\$200 per day</i>	<i>\$ 300.00 per day*</i>

<i>15) Fraudulent Use of Gate Cards</i>	<i>Zero Tolerance</i>	<i>\$500.00</i>	
<i>16) No 911 Sign</i>	<i>Warning</i>	<i>\$50.00</i>	<i>\$100.00*</i>
<i>17) Pet Violation</i>	<i>Warning</i>	<i>\$50.00</i>	<i>\$100.00*</i>
<i>All Other Violations</i>	<i>Warning</i>	<i>\$50.00*</i>	

The Board of Directors reserves the right to amend this violations and fines at any time.

** Indicates Fines Doubled after the Third Violation*

*** Indicates No Warning Given ----Zero Tolerance*

THESE RULES AND REGULATIONS WERE ADOPTED BY THE BOARD OF DIRECTORS ON 03/20/2015

DONALD J. SEARFOSS, JR., CHAIRMAN

ROBERT S. (ROB) FISHER III, VICE-CHAIRMAN

HENRY (HANK) GEORGE, RECORDING SECRETARY

HOWARD DAVIS, FINANCIAL SECRETARY

ROBERT (BOB) RECZEK, TREASURER