

**MT. POCAHONTAS PROPERTY OWNERS ASSOCIATION (MPPOA)**  
**RULES AND REGULATIONS**

These rules are based on the Protective Covenant, which shall run with the land and are thus enforceable in a court of law.

The following rules and regulations are approved by the Board of Directors to protect the health, safety and welfare of all property owners. Any violations of these rules and regulations would mean issuance of a citation and could result in a fine and/or a suspension of privileges.

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**ARTICLE I**  
**MEMBERSHIP IDENTIFICATION**

It is the policy of MPPOA to have all members, their guests and renters properly identified. The reason for this is to control the use of our facilities and limit the use to members in good standing along with their guests and renters. This will provide better security and safety to persons using these facilities (in accordance with our By-Laws).

**ARTICLE II**  
**EMERGENCIES**

Keep a list of Emergency numbers by your phone. Please note: The numbers listed may have to be updated periodically and are provided here as a convenience only.

State Police/Fire/Ambulance	911
Animal Control Officer	1-570-325-4828
Carbon Cty. Non-Emergency	1-800-452-1813
Carbon Cty. Communications Center	1-570-325-9111

**ARTICLE III**  
**SWIMMING POOL RULES**

1. The swimming pool shall be open to all association members in good standing and their guests only when a lifeguard or attendant is present.
2. Admittance to pool will be open to members who have current membership badges. Any child under 12 years of age must be with a parent or responsible adult, who will have full responsibility for the child's safety.

3. No food or beverages are allowed within the pool area. The picnic area is provided for this purpose.
4. No wet bathing suits are permitted upstairs in the clubhouse.
5. No running or pushing allowed in the pool area.
6. No disturbing noises, loud radios, etc.
7. No conversations with lifeguards while they are on duty.
8. No diving at any time from sidewalls of pool.
9. All beach and deck chairs must be positioned so that the lifeguards have a clear and unobstructed view at all times.
10. Obscene language is not permitted.
11. No water pistols or water pump guns allowed in pool area.
12. Members and guests are required to sign in, (full name and lot no.), and wear a MPPOA badge.

Violators of these rules will be subject to a \$50.00 fine

#### **ARTICLE IV** **GUEST POLICY**

Control must be exercised in the use of the facilities:

1. Each guest must have a badge that has been issued to a member in good standing.
2. Any member not in good standing shall not be permitted to be a guest of another member.
3. A member or a member of their family over 16 years of age must accompany all guests and invitees.

#### **ARTICLE V** **RENTAL POLICY**

All members of the Association who rent their property must have the following information on hand for the association and security personnel: The renter's name, the number of people in the party, vehicle identification, the address of the rental property and the telephone number of the member.

Be it resolved this 11<sup>th</sup> day of September, 2004, that beginning January 1, 2006 any property owner, before giving possession of a property in Mt. Pocahontas under a lease, whether oral or written, and for any term, will first fill out a form provided for this purpose in the office of Mt. Pocahontas and will at that time give a \$300 deposit to be held in a non-interest bearing escrow account. Upon completion of the lease term the \$300 deposit will be returned providing everything is satisfactory.

**ARTICLE VI**  
**MOTOR VEHICLE RULES**

1. Motorized vehicles – Any vehicle operated by a motor, including but not limited to automobiles, trucks, recreation vehicles, motorcycles, ATVs, snowmobiles and motorized bikes.
2. The SPEED LIMIT is 15 MPH on all roads in MT. POCAHONTAS. Violators shall be subject to a \$25.00 fine. Fines doubled for every 5 miles over the the posted limit.
3. All traffic signs posted by the township or MPPOA Directors are to be obeyed. \$50.00 fine for first offense; \$75.00 for second offense; \$100.00 for third offense.
4. Written complaints of any noise disturbance can be made to the Security Enforcement Officer or to the Directors. The owner will be given a written notice of the complaint and may ask for a hearing, or may prove to security what means have been taken to control the noise level of the vehicle. Persons in violation of the noise regulation may be subject to a fine of \$50.00 for the first offense; \$75.00 for second offense; \$100.00 for third offense.
5. Camping or travel trailers are to be parked on the owner’s property and comply with the motor vehicle rules and regulations of the Association. (i.e. registration). No camping or travel trailers are to be used on any lot at any time as a residence, either temporarily or permanently. Violators will be subject to a fine of \$100.00 for first offense; \$150.00 for second offense; \$250.00 for third offense.
6. Any member inviting a guest with an ATV shall be held responsible for fines associated with infractions in accordance with the rules of MPPOA. See line 9.
7. No unregistered vehicle or inoperable motor vehicle may be on any property. Owners of unregistered vehicles or junk cars shall be subject to a fine per vehicle. \$50.00 per vehicle for first offense; \$75.00 per vehicle for second offense; \$100.00 per vehicle for third offense.
8. On the street parking of vehicles is prohibited and subject to a fine per vehicle. \$35.00 per vehicle for first offense; \$50.00 per vehicle for second offense; \$75.00 per vehicle for third offense. On the street parking or overnight parking of tractor trailers

is prohibited and violators shall be subject to a \$300.00 fine for the first offense; \$500.00 for the second offense; \$1000.00 for the third offense.

9. Effective midnight, 2/28/09, all ATVs, dirtbikes, snowmobiles, go-carts, golf carts and off road vehicles are banned from all Mt. Pocahontas roads, common areas and swamp areas. Exemptions to this ban may be granted for utilitarian use (business or humanitarian) with prior approval from the Bd. of Directors. Violators of this ban will be subject to fines of \$300.00 for first offense; \$500.00 for second offense; \$1000.00 for third offense.
10. Snow must not be shoveled or plowed onto any roadway during or after a snowstorm. Fines will be issued for creating a roadway hazard. Nor is it allowed for any vehicle to be parked in such a way that any part of the vehicle extends past the driveway. Violators of this rule will be subject to a fine of \$50.00 for first offense; \$75.00 for second offense; \$100.00 for third offense.

## **ARTICLE VII** **RULES FOR PETS**

1. All dogs must have a current license in Pennsylvania at six months of age and every year thereafter. A \$25.00 fine will be issued for pets with no license.
2. All dogs and cats must have a current rabies inoculation.
3. All dogs must be confined to the owner's property, or walked on a leash. Violators will be subject to a \$25.00 fine.
4. No pets will be allowed in the picnic area, common areas, or any place designated as recreational. Violators will be subject to a \$25.00 fine.
5. The pet owner or custodian is responsible for any damage or injury caused by a pet owned or kept in Mt. Pocahontas. Violators will be subject to a \$50.00 fine.
6. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that a dog, cat or other household pet may be kept provided they are not kept, bred or maintained for any commercial purpose. Violators will be subject to a \$50.00 fine.
7. Owning, possessing, harboring, or controlling any dog or animal, which makes noise continuously and/or incessantly for a period of ten (10) minutes or makes such noise intermittently for thirty (30) minutes or more to the disturbance of the peace of any person any time of the day or night regardless of whether the animal is physically situated in or upon private property is prohibited. Violators will be subject to a \$50.00 fine.
8. It shall also be the duty of the pet owner or custodian to pick up and remove in its entirety, any excrement from said animal from MPPOA roads, amenities and other member's private property. Violators of pet regulations shall be subject to a fine of \$25.00 for first offense; \$50.00 for second offense; \$100.00

for third offense.

**ARTICLE VIII**  
**FIREARMS**

1. No hunting is allowed within the properties of the MPPOA community. Violators will be subject to a fine of \$250.00.
2. No shooting, carrying a loaded firearm, (pistol, rifle, shotgun, air gun, BB gun, bow and arrow, muzzle loader, etc.) within Mt. Pocahontas. Violators will be subject to a fine of \$250.00.
  - a. An exception may be made by the Directors upon proof of ownership, registration, and license by proper government authority, and recommendation of MPPOA security officer, such exception will be limited to storing or carrying a firearm in connection with licensed hunting; or to keep an antique or souvenir which is incapable of firing.
3. Discharging any weapons within Mt. Pocahontas is strictly prohibited. Violators of firearms regulations shall be subject to a \$250.00 fine.
4. Fireworks of any and all types, including sparklers, smoke bombs, etc., are prohibited within the boundaries of Mt. Pocahontas. This rule is enacted due to the high probability of resulting brush fires. Violators will be subject to a \$100.00 fine. There will be zero tolerance for violators of this rule.

**ARTICLE IX**  
**HEALTH AND SANITATION**

1. No lot or other area within the boundaries of MPPOA shall be used as a dumping ground. Anyone found dumping or leaving trash or garbage or littering shall be subject to fines \$100.00 for first offense; \$250.00 for second offense; \$500.00 for third offense. There will be zero tolerance for violators of this rule.
2. Trash, garbage, etc., shall be disposed of by removal to the township dump on Route 903 on Mondays, Wednesdays, Saturdays, and Sundays unless the property owner has contracted a professional sanitation company for waste removal.
3. Trash or garbage may only be stored on a lot between collections or dumping days, and while stored must be kept in a container with a lid, secure from being knocked over and spilled.

**ARTICLE X**  
**OUTSIDE BURNING**

**YOU MUST CALL THE CARBON COUNTY COMMUNICATIONS CENTER PRIOR TO ANY OUTSIDE BURNING. (SEE ARTICLE II FOR PHONE NUMBER).  
Leaves and twigs are the only material that may be burned in compliance with Penn Forest Township Ordinance No. 08-05 dated October 6, 2008, Section 3.**

**Anyone found burning outside during a burn ban or burning material other than leaves or twigs shall be subject to a \$100.00 fine.**

**ARTICLE XI**  
**PUBLIC ORDER AND DECENCY**

1. Persons are prohibited from engaging in any act or undertaking which unreasonably disturbs or harasses or alarms any member or person within the MPPOA community.
2. A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he/she:
  - a. engages in fighting or threatening, or in violent or tumultuous behavior;
  - b. makes unreasonable noise;
  - c. uses obscene language or makes obscene gesture; or
  - d. creates a hazardous or physically offensive condition by any act, which serves no legitimate purpose of the actor.
3. Any person who creates any condition (loud, boisterous activity, excessive volume, etc.) shall be guilty of public nuisance when such activity interferes with another person's right to peace, or is capable of interfering with another person's right to peace.

Any person who erects, sets up, establishes, maintains, keeps or continues, or causes to be erected; set-up, established, maintained, kept or continued, any condition (loud, boisterous activity, excessive volume, etc.) shall be guilty of a nuisance when such activity interferes with another person's right to peace, or is capable of interfering with another person's right to peace. With respect to noise, same is a public nuisance if it continues and/or is incessant for a period of ten (10) minutes or makes such noise intermittently for one-half (1/2) hour or more to the disturbance of any person at any time of the day or night regardless of whether the noise is emanating in, from or upon private property. Violators of our public order and decency regulations shall be subject to fines from \$50.00 to \$100.00.

4. No solicitation is permitted within the MPPOA community.

**\*DEFINITION** – As used in this section the word “public” means affecting or likely to affect persons in a place to which the general membership or a substantial group has access; among the places included are all common areas, as defined in the By-Laws, including by way of explanation and not limitation, roadways, parking lots, pool and pool areas, parks, clubhouse, library, tennis and basketball courts, or any premises which are open to the membership or a substantial group has access.

**ARTICLE XII**  
**VIOLATIONS AND PENALTIES**

Any violation of these rules could result in a Citation being issued and hearing before the Grievance/Arbitration Committee, which may impose any one or more of the following penalties:

1. Reprimand
2. Suspension of privileges for a period of up to six months
3. Fine, not to exceed \$1000.00, payable to the MPPOA General Fund plus a \$50.00 filing fee.

Security enforcement officers, members of the MPPOA board and personnel shall have the authority to stop all violators and enforce the rules and regulations of this Association.

### **ARTICLE XIII** **SIGNS**

All homeowners within the jurisdiction of the Mt. Pocahontas Property Owners' Assn. shall comply with Penn Forest Township Ordinance #2003-03 dated November 10, 2003, which requires the proper posting of new house addresses within ninety (90) days of notification. A copy of said ordinance is available to all homeowners at the Penn Forest Township Building located on Rte. 903. Failure to comply with the ordinance may subject homeowners to a fine up to \$600 from Penn Forest Township.

REVISED November 2010