



## Life on Vacation

LAKE WYNONAH PROPERTY OWNERS ASSOCIATION  
A Not-for-Profit Corporation

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# Membership Handbook

*Rules, Regulations, and Operating Procedures for  
Members and their Guests*

*Revised 3/20/2000, Updated 7/1/2008, Revised 4/18/2011, Revised 8/19/2012, Revised  
11/21/2016, Updated 9/2/2017, Updated 2/15/2018, Updated 6/12/2018,  
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07/29/2022, Updated 11/30/2022, , Updated 1/16/2023, Updated 1/19/2023*

## LWPOA MEMBERSHIP HANDBOOK

### WELCOME

Welcome to Lake Wynonah. We are pleased you have become a Member of the Lake Wynonah Property Owners Association, Inc. (LWPOA).

Lake Wynonah is a Commonwealth of Pennsylvania Non-Profit Corporation, established on July 27, 1970. We are governed by Deed Restrictions, By-Laws, and Rules and Covenants, which the Board of Directors is elected to uphold.

Our facilities are maintained for Members and their Guests and 24-hour security is enforced. We have two deep-water lakes, pools, the Lodge, Marina, picnic groves, and many amenities available for your enjoyment.

Many LWPOA-sanctioned clubs and organizations are active in the community and contribute significantly to its overall quality. The groups include the Fish & Boat Club, The Lakes Committee, The Pool Committee, Book Group, as well as many others that are run by Members.

***As a Member of the Lake Wynonah Property Owners Association, Inc., it is your responsibility to abide by all established rules and regulations.***

**Periodically, the Board of Directors and Management find it necessary to update regulations and policies at their discretion. It is the Member's responsibility to remain informed of such changes. Current information is available at the Business Office.**

**OTHER IMPORTANT DOCUMENTS:** The Deed Restrictions, By-Laws, Building Permit applications and other documents are available at the LWPOA Business Office and on FirstService Residential *Connect*.

**NOTE:** Every attempt was made to provide information in this Handbook that reflects the most up-to-date rules and regulations in effect at the time of its printing. However, this booklet is updated only periodically, while the underlying rules, procedures, and regulating documents which are the basis for this booklet, being revised as necessary. Any revisions or additions to these documents may affect the guidance provided within this book.

References to violations and fines are based on the LWPOA Violation and Fine Schedule and as determined by the Board of Directors.

**Member:** Those persons owning property in the Lake Wynonah community.

**Member in Good Standing:** A Member having all dues, fines, assessments, and fees paid in full and current on all dwellings and lots owned (improved and unimproved).

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<b>Contact</b>	<b>Telephone</b>	<b>Address</b>
LWPOA Business Office	570-739-4055 (T) 570-739-2419 (F)	406 Navajo Drive Auburn, PA 17922
LWPOA Security	570-739-4158	
Fire and Medical Emergencies	911	
PA State Police	570-739-1330	
LWPOA Lodge	570-739-4000	
LWPOA Pool	570-739-1717	
LWPOA Required Inspection Services	570-739-4055	Contact LWPOA Business Office
Schuylkill County Animal Control	570-628-2007	
PA Fish and Boat Commission	717-626-0228	
Plum Creek Municipal Authority Office	570-754-7222	686 Berne Drive Auburn, PA 17922
Plum Creek Municipal Authority (Water and Septic)	570-754-7505	
South Manheim Township	570-754-7375	3080 Fair Road Auburn, PA 17922
Wayne Township	570-739-2629	Rt. 183 Friedensburg, PA 17933
Auburn Post Office Community Mail Delivery	570-754-3731	425 Market Street Auburn, PA 17922
Waste Management	800-276-4898	
County Waste	570-874-3048 or 570-685-5000	
Potts and Monger Sanitation, Inc.	570-345-6201	
PP&L	800-DIAL-PPL	
Verizon	Business Office: 800-567-6789 Repairs: 800-483-1000	
Comcast	800-266-2278	
DirecTV	800-531-5000	
Hoy's Notary and Messenger Service	570-385-2768	186 Chestnut St Cressona, PA 17929
Gundrum's Notary and Messenger Service	570-754-0030	581 Moyers Station Road Schuylkill Haven, PA 17972
Sewage Enforcement Officer:	Contact Appropriate Township Office	

**LWPOA Business Office Hours: As per Email Blast and community notifications.**



1. **GENERAL INFORMATION:** Lake Wynonah is a private, residential community located in Schuylkill County, Pennsylvania. It is ideally suited for both year-round and part-time residence. It encompasses 1476 acres of gently rolling hills with over 32 miles of hard-surface roads. Approximately two-thirds of the community lies in South Manheim Township with the remainder in Wayne Township. Children who reside in South Manheim Township attend the Schuylkill Haven Area School District with those in Wayne Township attending the Blue Mountain School District.
- 1.1 **LWPOA Government:** In addition to ordinances mandated by the two respective townships, Lake Wynonah is governed by its Deed Restrictions, By-Laws, Rules and Covenants, and the Pennsylvania Uniform Planned Community Act (UPCA), all upheld by a nine member Board of Directors. The Deed Restrictions and By-Laws, as modified and approved by the Membership, were officially registered with the Schuylkill County Recorder's Office in 1994. The voluntary Board of Directors is elected as Members in good standing and are to uphold fiduciary responsibility for the community. The community receives professional management services through a contract with FirstService Residential (FSR) Property Management Services.
- 1.2 **LWPOA Board of Directors:** The LWPOA Board of Directors' powers and fiduciary responsibilities are in accordance with the Pennsylvania UPCA that states the LWPOA Board of Directors Executive Committee may act in all instances on behalf of the Association. In the performance of their duty, the members of the Executive Committee shall stand in a fiduciary relation to the Association and shall perform their duties, including those as members of any committee of the Board upon which they may serve, in good faith; in a manner they reasonably believe to be in the best interests of the Association; and with care, including reasonable inquiry, skill and diligence as a person of ordinary prudence would use under similar circumstance. In managing the Association's Reserve Funds, the members of the Executive Committee shall have the power to invest the Association's Reserve Funds in investments permissible by law for the investment of trust funds and shall be governed in the management of the Association's Reserve Funds by 20 Pa.C.S §7203 (relating to prudent investor rule). In performing any duties, an officer or Executive Committee member shall be entitled to reply in good faith on information, opinions, reports or statements, including financial statements and other financial data in each case prepared or presented by any person or organization reasonably believed to be reliable and competent in the matters presented.
- 1.3 **LWPOA Business Office:** The LWPOA Business Office is located north of the Security Office inside the Main Entrance to the community. The Community Manager supervises a full-time staff in the LWPOA Business Office where records are maintained, including those for accounting, Membership, and permits. All questions, concerns, and requests for forms and applications may be requested here. Office hours are made available in email blasts and the community notifications. The LWPOA Business Office and all Lake Wynonah indoor properties are smoke free.

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**1.4 LWPOA Security:** The Security Office is located at the Main Entrance (west entrance off PA Route 183) of the community. A full-time security force provides services 24 hours a day, seven days a week. The primary job of Security is to control access to the community and to observe and report violations. Cooperation with Security Officers is necessary to help maintain proper safety measures within the community. Fines will be issued to any person who fails to comply with a reasonable request or order of any Lake Wynonah Security Officer. All incoming traffic is monitored and surveillance rounds are continually made throughout the community. Our Security is not a police department. Although we are a private community, State Police are permitted to make periodic drives through the community. Any conduct that is in violation of LWPOA rules and regulations, especially when witnessed, should be reported to the Security Office.

Otherwise, any conduct:

- threatening the safety or wellbeing of a person(s) should be reported directly to the State Police by dialing 911.
- against property (private or community) specifically defined, prohibited, and punishable under criminal law in the Commonwealth of Pennsylvania should be reported directly to the State Police. This includes but is not limited to vandalism, destruction of property, etc. A courtesy advisory call should also be made to the Security Office.

As good citizens, individuals should report issues witnessed and be willing to testify.

Should a Member be away from home for an extended period of time, contact the Security Office prior to departure so placement on a list of 'special attention' areas can take place as Officers conduct surveillance rounds.

### **1.5 LWPOA Meetings: Board of Director and Annual Membership:**

- Regularly scheduled Open Board of Director Meetings are called by the Board of Directors to entertain the ideas, comments, questions, and concerns of the Membership-at-Large. All Members may attend meetings however, Membership "ID" is required, as well as the Member being in good standing.

Minutes from the Open Meetings, once Board approved, are posted on FSR *Connect* and are available in the Business Office.

- An Annual Membership Meeting is held the third Sunday in August at 2 PM. The purpose of the meeting is to elect Board Directors and for the transaction of business as may come before the meeting.

**2. MEMBERSHIP:** All persons must become Members of the LWPOA when they first acquire property in the Lake Wynonah community.

- All Members, Residents, and Tenants must comply with Deed Restrictions, By-Laws, and Rules and Covenants pertaining to the Lake Wynonah community as these are recorded in the office of the County Recorders of Schuylkill County, Pennsylvania.

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- The Lake Wynonah Deed Restrictions state that Members, heirs, executors or assigns agree not to sell, assign, or convey any property owned in the Lake Wynonah community to any person(s) not approved for Membership in the LWPOA, and, all persons owning property in the Lake Wynonah community shall be Members of the LWPOA.
- A Member of the LWPOA is an owner of real property in Lake Wynonah subdivision as recorded in the Schuylkill County Courthouse. All persons meeting the criteria for Membership as listed herein shall have Membership privileges, provided however, that the Member is in 'good standing', and that the Membership Voting Privilege is limited to one vote for each property on which full Annual Membership Dues are paid (that is, one vote per Dwelling, or, if the Member owns only vacant unimproved property, one vote for the first vacant unimproved property).

**NOTE:** Failure to comply with Membership procedures will result in denial of access to the Lake Wynonah community until all requirements are met.

**2.1 TYPES OF OWNERSHIP:** A person or persons owning a lot and dwelling, and/or owning vacant unimproved property in Lake Wynonah shall provide the LW Business Office with proof of ownership as follows:

- a. Married persons with both spouses' names on the Deed:** Submit an Application for Membership LWPOA, a copy of the recorded property Deed containing the name of BOTH spouses, and pay the Membership Fee and Capital Improvement Fee. Both spouses are entitled to full Membership privileges, but only one vote per Membership.
- b. For Married persons with only one spouses' name on the Deed:** Submit an Application for Membership LWPOA, a copy of the recorded property Deed containing the name of one spouse, and a copy of the Marriage Certificate (to evidence marital status). The property-owning spouse pays the Capital Improvement Fee and the Membership Fee. Only the property-owning spouse receives full Membership Privileges and there is only one vote per Membership. NOTE: Without a recorded property Deed showing ownership in the name of both spouses, the other spouse is a Resident of Lake Wynonah.
- c. Adding a Spouse to a Member's Property Deed:** When a property owner adds a spouse to the property Deed, a new Deed must be recorded at the Schuylkill County Courthouse. The Member must provide the Business Office with a copy of the Marriage Certificate and a copy of the recorded property Deed showing the names of both spouses as owners. Both spouses receive full Membership privileges but there is only one vote per Membership. (NOTE: The Capital Improvement Fee and the Membership Fee would have been paid by the original Member (property owning Spouse) prior to the subsequent addition of a spouse to the Deed.)
- d. Unmarried, sole property Owner:** Submit an Application for Membership LWPOA, and a copy of the recorded property Deed containing the name of the individual property owner. The property owner pays the Capital Improvement Fee and the Membership Fee. If a sole unmarried

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property owner later marries, and if the new spouse is *not* added to the recorded property Deed, then the new spouse is *a Resident, not a Member*. Only when the new spouse is added to the recorded Deed *and* the Business Office is provided with the new Deed and Marriage Certificate does the new spouse become a Member. Since the original Member paid the Capital Improvement Fee and Membership Fee, there is no need to pay either fee again.

- e. **Two or more *unmarried* persons in co-ownership:** Submit an Application for Membership LWPOA, and a copy of the recorded property Deed containing the name of the individual property owners. The property owners pay one Capital Improvement Fee. Where two or more unmarried persons names appear on the recorded property Deed and the persons are co-owners, then the co-owners decide which of the co-owners becomes the Member. There are two choices: i-Each co-owner pays the full Membership Fee. In this case, each co-owner become a Member; ii-Pay one Membership Fee, and designate one of the co-owners as the primary Owner and Member. The co-owner becomes a Resident. In either case, there is only one Capital Improvement Fee and one vote per dwelling and one annual dues payment.
- f. **Ownership of more than one Dwelling:** A Member who owns more than one dwelling pays the full Annual Dues on *each* dwelling and receives one vote for each full Annual Dues paid. The Member pays a full Capital Improvement fee for each dwelling, but pays only one Membership fee.
- g. **Ownership of ONLY vacant, unimproved property:** A Member who owns only vacant unimproved property provides the Business office with a copy of the recorded Deed(s) showing the name of the Member, pays one Capital Improvement Fee, pays one Membership fee, and pays one full Annual Dues for the first vacant unimproved lot. (Vacant lot dues are paid on those vacant unimproved lots, which are owned IN ADDITION to the first vacant unimproved lot, or, for vacant unimproved lots owned IN ADDITION to a dwelling. The Member who owns only vacant unimproved property receives one vote (as does the Owner of a single dwelling).
- h. **Ownership of more than one vacant unimproved property, or, ownership of a Dwelling AND vacant unimproved property:** If a Member owns vacant, unimproved property in addition to a dwelling, or more than one vacant, unimproved property (and no dwelling), then the Member pays the 'vacant lot' Annual Dues on each of the additional vacant lots, but receives only one vote-the Member does not receive additional votes for additional vacant unimproved lots.
- i. **Individual Property Owners:** A person owning vacant, unimproved property or a lot with dwelling in sole ownership pays the Capital Improvement Fee and Membership Fee, provides the Business Office with a copy of the recorded Deed, and pays annual dues on the property. One vote per Membership.
- j. **Corporations/LLCs/Trusts:** The ownership provides a copy of the Property Deed showing the name of the Corporation/LLC/Trust or other legal entity, provides the identity of the shareholders/members/trustees of the entity, provides payment of the Membership Fee and Capital Improvement Fee. The entity must designate in writing the name of a

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primary owner who receives full Membership privileges, including the voting privilege. Co-owners or members of the entity are granted Resident status and accompanying privileges.

- k. Membership in the LWPOA ends when a person no longer owns any property in Lake Wynonah.

**NOTE:** When a property is titled in the name of a husband and wife, it is considered to be as titled in one name, with the husband and wife receiving one full Membership with privileges.

**2.2 MEMBERSHIP PRIVILEGES:** A Member in Good Standing (i.e. the Member's POA accounts are not more than 90 days in arrears) may: 1) Use the common area amenities and facilities; 2) Use the Gate Key program and be provided with two (2) gate access cards; 3) Rent the Lodge, Grove, and pavilions; 4) Be admitted to the Lodge Pub and Restaurant, and, if over 21, purchase alcohol at the Lodge Pub; 5) Obtain boat launch/ATV stickers; 6) Is eligible to become a voting member of BOD-chartered committees; 7) May attend Open BOD meetings; 6) Is eligible to run for election to the BOD; 8) Is eligible to vote in the annual election of the Board of Directors; 9) Is eligible to vote on changes to By-Laws and Deed Restrictions; and 10) Has the authority to allow entry to Guests, vendors, and contractors. **NOTE:** All of the above Membership Privileges are subject to the provisions of the Governing Documents and current LWPOA Rules and Regulations.

- In voting for the annual elections to the BOD or for changes to the By-Laws or Deed Restrictions, there is **one vote per each full Annual Membership Dues paid, whether the Dues are for a dwelling or for vacant, unimproved property.**

**NOTE: RESIDENTS:** A Resident is a person who lives with a Member in the community. The Resident may be a spouse or other family member, or anyone else who lives with a Member and provides evidence of their permanent address to the Business Office. A Resident does not pay Annual Dues. A Resident may obtain a Resident gate access card provided the Resident appears with the Member at the Business Office for a photograph. A Resident may use the facilities and amenities. A Resident may be admitted to the Lodge and, if over 21 years of age, and he/she obtains a Social Membership to the Lodge, may purchase alcohol. A Resident may NOT purchase boat/vehicle stickers, become a VOTING member of a BOD-chartered committee, attend BOD meetings, run for the BOD, or vote in any POA matter or election.

**TENANTS:** LWPOA rules allow Members in Good Standing to lease or rent a dwelling for a term of not less than six months. LWPOA rules prohibit renting or leasing a room or part of a dwelling or a vacant unimproved property. Members must notify the Business Office in advance and complete all required documents. The Member is responsible for the actions of a Tenant. A Tenant is a person who has entered into a written lease agreement for a term of at least six months with a Member in Good Standing, submitted an Application for Tenant Status to the Business Office, and pays the annual Tenant Membership Fee (50% of the Annual Dues). A Tenant has the same privileges as a Resident, that is, to use the amenities and facilities, to obtain a gate access card, and to apply for a Social Membership at the Lodge.

**2.3 TO BECOME A MEMBER, A PERSON MUST:** 1) Submit an Application for Membership to the LWPOA; 2) Pay the Application for Membership Fee (Membership Fee); 3) Provide the LW Business Office with proof of ownership to real property in Lake Wynonah (i.e. a copy of the property Deed with the Member's name thereon-the Deed must be recorded at the Schuylkill County Courthouse Recorder of Deeds); 4) Pay the Capital Improvement Fee. To continue to

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be a Member in Good Standing, a Member must pay all recurring Annual Dues and other fees when due, as determined by the LWPOA.

- 2.4 Membership Termination Policy:** Any Member who sells all property(s) within the community, ceases to be a Member of the LWPOA. On that date, the properties are transferred to the new owner, with access to the Lake Wynonah community with use of all Lake Wynonah amenities and facilities coming to an end. In the event a previous Member acquires a new property in Lake Wynonah, that person must reapply for Membership and pay the Membership Fee again.
- 2.5 Membership Grace Period:** The only exception to the above Membership Termination Policy is for a Member who is moving from an existing home in the community and at the same time has a new community home under construction. If the new construction lot is listed under the builder's name (for home construction loan purposes, etc.) and will be repurchased upon completion of construction by the Member, a six-month grace period will be granted to the Member.
- 3. DELINQUENCY POLICY AND PROCEDURES:** The LWPOA Delinquency Policy is available in the Business Office and on *FSR Connect*. Its established purpose is to ensure that all LWPOA delinquencies are handled in the same manner, to enable the proper administration and collection of all delinquent accounts, and to provide notice that all fees, dues and charges, including legal, collection, and court costs, shall be considered Assessments. It is the Member's responsibility to be aware of the Policy and to abide by its requirements.

## 4. COMMUNITY ACCESS AND EGRESS:

- 4.1 Use of Entrances:** LWPOA Members in good standing may call in their Guests (Permanent and Temporary), vendors, and delivery vehicles. All are permitted access only through the Main Entrance on Rt. 183 to the Lake Wynonah community after being called in by the Member.
- Use of an Automatic Gate Key Card at either entrance will provide authorized entrance for individuals. Individuals not possessing cards must be prepared to show a photo ID.
  - Any individual who uses the Visitor Lane at the Main Entrance will be required to provide an additional photo ID.
  - Unauthorized use of Automatic Gate Key Cards in attempting to enter the community is subject to fines as established by the current Violation and Fine Schedule.

**NOTE:** Only one vehicle may pass through a gate on an Automatic Gate Key Card "swipe". Individuals may not swipe their Automatic Gate Key Card for another vehicle to pass through a gate.

### 4.2 Automatic Gate Key Cards:

**NOTE:** Automatic Gate Key Cards must never be loaned to anyone. Should it be discovered that an

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Automatic Gate Key Card has been loaned out, it will be confiscated and the Member will not be issued another Automatic Gate Key Card without prior approval of the LWPOA Board of Directors.

- 4.3 Automatic Gate Key Card Fees:** Refer to the Payment Sheet available in the Business Office.
- 4.4 Extra Automatic Gate Key Cards:** Any additional Automatic Gate Key Cards for unmarried children living at home must be attained and activated at a cost determined by the LWPOA. An added charge will be made for each extra Automatic Gate Key Card purchased, as per the community Payment Sheet.
- An individual must be present at the Business Office to attain an Automatic Gate Key card.
- 4.5 Members Automatic Gate Cards:** One Automatic Gate Key Card will be issued per person with up to two (2) Automatic Gate Key Cards issued at no charge to a Member. BOTH PERSONS MUST BE LISTED ON THE DEED AND ON THE MEMBERSHIP APPLICATION. These cards will allow access through the Main Entrance and the East Entrance.
- 4.6 Resident Automatic Gate Cards:** Extra Automatic Gate Key Cards are provided at the current fee for individuals providing proof of living at the same address as the Member. Proof of residency must be supplied at time of receipt of cards for each Resident who must be present for the distribution of the card.
- 4.7 Automatic Gate Key Card Replacement:**
- **Automatic Gate Key Cards Lost or Stolen:** If a card is lost or stolen, there will be a replacement fee per card as per the Payment Sheet.
  - **Automatic Gate Key Cards Worn or Damaged:** If a card wears out, it will be replaced at no charge. However, the damaged card must be returned at the time the new card is issued in order for the replacement card to be issued without a fee.
- 4.8 Wrongful Use of the East Entrance:**
- **No watercraft** may be entered through this entrance.
  - **The use of the East Entrance** is a privilege that is non-transferable.
  - **Entering Without Automatic Gate Key Card:** Anyone entering the East Entrance without using an Automatic Gate Key Card may be prosecuted for trespassing.
  - **Access card holders may not swipe their** card and leave it on the East Gate box for others to use. Violation of access card policies may result in fines or deactivation of the card.
- 4.9 Suspension of Community Access and Egress Privileges:** To encourage Members to make timely payments of dues, fees, fines or assessments, any past due accounts will be subject to an Automatic Gate Key Card lock out.
- 4.10 Community Access and Egress for Non-Members:**
- All LWPOA Members are required to authorize entrance for their Guests as Security Officers will allow only pre-authorized Guests into Lake Wynonah.

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- The Security Office must be notified when a LWPOA Member expects Guests, including deliveries or vendors. Call 570-739-4158 prior to Guests' arrival. Provide your *first* and *last* name and lot number, along with the name of visitor and any other pertinent instructions.
- The community's online access system, Gate Key, may also be used to inform Security of visitation of Guests or deliveries.

**4.11 Actions of a Guest:** The actions of all Guests are the responsibility of the Member they are visiting. Violations by a Guest will subject the Member to penalties that may include suspension or termination of Membership privileges. Any person not complying with LWPOA rules and regulations may be treated as a trespasser and appropriately prosecuted under the laws of the Commonwealth of Pennsylvania.

**4.12 Notifying Security of a Guest:**

- If a Member has notified Security to expect the Guest, the Member's instructions will be followed.
- If a Member has not notified Security to expect the Guest/delivery/vendor, entry permission will be denied.

**NOTE:** Items cannot be left with Security personnel or inside the Security Office or LWPOA Business Office, and Security personnel assume no responsibility for anything left outside of the Security Office.

**4.13 Permanent Guests:** Permanent Guests are usually people who frequently visit a Member living within the community. Members in good standing may assign a maximum of 6 (six) Permanent Guest Gate ID Cards for their frequent visitors.

LWPOA Members are responsible for updating their approved Guest List and Guest Gate ID card list for their Guests.

- For Permanent Guests to obtain access to the LWPOA, the Member must own a home in the community, as Permanent Guests are not eligible to Members who only own an unimproved lot(s).
- Permanent Guests may not visit a Member's unimproved lot without the Member's presence nor use the Member's watercraft or vehicles of any kind.

**NOTE:** Any person not a Member or accompanied by a Member who shall use the Pool, lakes, community areas or other facilities of the Association, and who is not listed as a Permanent Guest or recorded on the Member's Guest List shall be considered a trespasser under the laws of the Commonwealth of Pennsylvania.

**4.14 Community Access and Egress for More Than Five Guests:** Should more than five (5) Guests be expected, the Member must complete a Party List Form available at the Security Office.

**4.15 Access and Egress for Watercraft:** All watercraft brought into the development must be owned by a Member. All watercraft subject to the Invasive Species/Quarantine policy must enter and exit through the Main Entrance at PA Route 183. Violations and associated fines are detailed in the Violation and Fine Schedule available at the Business



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Office and on *Connect*.

- 4.16 Access and Egress for Campers/RVs:** Campers/RVs must enter and exit only through the Main Entrance from PA Route 183.
- 5. LAKE WYNONAH ROADS:** All hard-surfaced roads within Lake Wynonah are private and patrolled by Lake Wynonah Security. All Pennsylvania laws governing driving are to be obeyed at all times. A map showing road names and layouts is included in this Handbook. “Drives” are through roads and “Coves” have no outlet.
- 5.1 Right-of-Way:** The LWPOA maintains road easements reflecting a 60-foot right-of-way for its roads. Surveyor pins indicate the start of individual property ownership. Within the right-of-way, the Plum Creek Municipal Authority (PCMA) maintains the water system while road signage, snow removal, etc. are handled by the Maintenance Department of the LWPOA. Members must attain LWPOA approval prior to placing anything in this area and must understand their removal may take place should access to the area be needed. Members are urged to maintain a reasonable line-of sight along the roadway to ensure adequate visibility for traffic.
- 5.2 Utility Easements:** Lake Wynonah utility easements reflect a 60-foot right-of-way for LWPOA roads, regardless of actual road width. The surveyor pins indicate the start of individual property ownership and the utility easement extends fifteen (15) feet within the property line bordering a road and five (5) feet from the side and rear of the property lines. Utility easements are established for the purpose of installing, operating, and maintaining television cables, utility lines, and mains thereon, together with the right to trim, cut, or remove any trees or brush and the right to locate any guy wires, braces, and anchors wherever necessary for said installations, operations or maintenance; together with the right to install, operate, and maintain gas and water mains, sewer lines, culverts, and drainage ditches and other services and appurtenances thereto, for the convenience of the Members, reserving also the right of ingress and egress to such areas for any of the purposes mentioned above. The Utility Easement Form, available at the LWPOA Business Office, explaining utility easements will be attached to all building permits. Utility easements that permit the maintenance of flora, extend fifteen (15) feet inside the surveyor’s pins along the road (which delineate LWPOA road right-of-ways) and five (5) feet inside the side property lines.
- 5.3 Fire Hydrants:** All fire hydrants are marked by a water droplet symbol painted on the roadways for easy detection. These are maintained by Plum Creek Municipal Authority. Fire hydrants sometimes become obscured from vision by weeds or snow. For your safety and to aid fire fighter access, Members are urged to help keep weeds trimmed or snow cleared.
- 5.4 Potholes:** Members are asked to contact the LWPOA Business Office for a Communication Form or go online at FSR *Connect* to download a form to report any hazardous potholes encountered.
- 5.5 Snow Removal:** All roads are promptly plowed and cindered as needed during the winter months. Snow removal operations require the placement of snow on the shoulders of our roadways. The force of snowplows, combined with the weight of snow, can cause damage to

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objects in the right-of-way. Members are cautioned not to place mailboxes, number posts, rocks, logs, garbage containers, bins, and other landscaping materials in the right-of-way. Members are advised that the LWPOA and PCMA are not responsible for damage to objects placed in the LWPOA right-of-way.

**NOTE: The LWPOA does not remove snow from private driveways.** If a contractor plows your driveway, advise individual not to plow snow across roads. Keep snow on the same side of the road as your property.

**5.6 Driveways, Swales and Drainage Ditches:** All driveways, swales, and drainage ditches must be constructed to comply with the regulations and guidelines as stated in the required LWPOA Construction Authorization and the LWPOA Driveway, Swale and Drainage Ditch Construction Specification Sheet. These documents are available in the Business Office or online at the FSR *Connect* site. A refundable deposit is required in order to ensure proper driveway, swale and drainage ditch construction. A Code Enforcement Officer must complete a minimum of two inspections for driveway, swale area and drainage ditch construction:

- The first inspection must be done prior to construction to ensure that compliance will be met.
- The second inspection will be performed after construction to verify compliance.
- If non-compliance is found, additional inspections may be necessary.

**5.7 Culvert And Swale Pipes:** Members are required to periodically check and maintain their culvert pipes (under driveways) and swale pipes/areas to insure they are unobstructed and in good repair. This is the Member's responsibility. Drainage ditches and swale areas cannot be filled in without an approved LWPOA Construction Authorization Application and Inspection by the Code Enforcement Officer.

**5.8 Parking Rules and Regulations:** All LWPOA Members, Residents, and Guests shall not park a vehicle whether it be attended or unattended along any LWPOA road, road right-of-way, or "No Parking" zone or be subject to towing at owner's expense. Any vehicle parked within five feet off the paved road will be towed at owner's expense if not moved within designated regulations.

**5.81 Handicapped Parking:** Only vehicles bearing handicapped or severely disabled veteran license plates or parking placards may park in clearly marked handicapped parking spaces.

**5.82 Placement of Vehicles:** All vehicles, including but not limited to tractors, campers, boats, utility trailers, travel trailers, etc. that are placed on any lot, must be placed in an orderly and inconspicuous manner so as to not create an unsightly condition as determined by the LWPOA.

**5.83 Inoperative or Unused Vehicles:** No inoperative or unused motor vehicle shall be permitted on any lot. An inoperative or unused motor or recreational vehicle is permitted to be stored on a lot only if it is kept inside an enclosed garage. Security is authorized to report violations to Management and fines levied. Abandoned vehicles should be referred to the PA State Police and will be removed at the owner's expense.

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- 5.84 Parking Near Fire Hydrant:** No vehicle, whether attended or unattended, may park within fifteen feet of a fire hydrant.
- 5.85 Tractor-Trailer:** A Member's tractor portion of a tractor-trailer may enter the community, providing the tractor is parked on the Member's property.
- 5.86 Parking Vehicles at Bus Stops:** Drivers should park in such a manner ensuring they are not blocking views of other drivers in the area. Repeated offenses or failure to comply with Security requests to park appropriately could result in fines.
- 5.87 Construction Equipment:** No construction equipment (backhoes, skid loaders, etc.) may be parked or otherwise stored on any lot except when performing work.
- 5.88 For Sale Vehicles:** Any vehicle, boat, or trailer displayed for sale is prohibited from parking on any common area except the boat/trailer storage areas by the Marina and in the E Dock area. Spaces can be rented monthly by contacting the LWPOA Business Office.
- 5.89 Parking on Dams:** Parking is not permitted on the dam breast of either the Lake Wynonah Dam or the Fawn Lake Dam.
- 5.9 Exceptions to Parking Rules and Regulations:**
- **Delivery Vehicles:** Fed-Ex, UPS, etc. may park momentarily on a roadway shoulder for the purpose of delivering packages as long as the parked delivery vehicle does not block both driving lanes and is not within twenty-five (25) feet of an intersection with another roadway.
- 5.10 Motor Vehicle Repairs:** No major mechanical repair work may be performed on any motor vehicle within the Lake Wynonah community. When a vehicle's minor mechanical or repair work is to be performed within Lake Wynonah, it must be done in an enclosed garage or otherwise shall not be visible from the street.
- 5.11 Road Rules for Licensed Vehicles:** All Pennsylvania laws governing vehicles and driving are to be obeyed at all times. All operators and licensed vehicles within the Lake Wynonah development must:
- Be properly licensed or have a valid permit.
  - Be properly registered and inspected to operate on Lake Wynonah roads. Appropriate vehicle registration and inspection stickers must be properly displayed on vehicles.
  - Not drive recklessly.
  - Not drive too fast for conditions.
  - Obey all traffic signs.
- 5.12 Right Lane Traffic:** All vehicles shall be driven upon the right half of the roadway except as follows:

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- When an obstruction exists making it necessary to drive left of the center of the roadway, provided the driver yields the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway.
- As directed by Security personnel or by a person directing traffic.

**5.13 Speed Limit:** For the safety of everyone, obey the radar-patrolled 20 MPH community speed limit and drive in a responsible and alert manner, especially in areas of limited sight distance.

**5.14 Passing Another Vehicle:** The overtaking and passing of vehicles proceeding in the same direction is not permitted on any roads in the Lake Wynonah community.

**5.15 Passing a School Bus:** The driver of a vehicle meeting or overtaking any school bus on the roadway shall stop at least ten feet before reaching the school bus when the flashing red signal lights on the school bus are operating. The driver shall not proceed until the flashing lights are no longer actuated.

In no event shall a driver resume motion until the school children that may have alighted from the school bus have reached a place of safety.

**5.16 Helmet Rules and Regulations: Motorcycle and Bicycle Helmets:** All PA Department of Transportation and PA Motor Vehicle and Bicycle Helmet rules and regulations must be followed.

**5.17 Unlicensed Drivers:** No person shall permit any person to drive a motor vehicle on Lake Wynonah property knowing that the person does not possess a valid driver's license.

**5.18 Violations of Road Rules and Regulations:** Should a violation of these rules, regulations, or other instructions occur, the perpetrator is subject to disciplinary action or penalties as determined by the LWPOA Board of Directors at the time the infraction occurs. Security has the authority to enforce these rules and regulations and issue a Violation Notice.

**5.19 Road Rules for ATVs (off-road) and Other Non-Licensed Vehicles:** This section applies to all off-road motorized vehicles including three and four wheel ATVs, golf carts, mini-bikes, off-road and/or trail motorbikes, and snowmobiles, etc.

- All unlicensed vehicles must be entered and exited only through the Main Entrance at PA Route 183, including those trailered or transported into the community.
- All operators of non-licensed vehicles in Lake Wynonah must be 16 years of age or older and possess a current, valid driver's license.
- All Lake Wynonah road rules must be obeyed. Reckless driving or driving too fast for conditions is not allowed.
- Trespassing on any property, including public areas belonging to the LWPOA, by ATVs and snowmobiles, etc. is not allowed.
- To operate an off-road vehicle after dark, the vehicle must be equipped with a headlight that illuminates 100 feet in front of the vehicle and a taillight visible for a distance of 500 feet to the rear of the vehicle.
- No one may operate an off-road vehicle on Lake Wynonah roads while carrying

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another passenger unless the vehicle is manufacturer-designed to carry more than one person.

- Be aware of noise ordinances when operating unlicensed vehicles.
- It is recommended that anyone on an ATV wear a helmet approved by the Department of Transportation.
- Be aware of the dangers of operating unlicensed vehicles on frozen lakes. Any activities on frozen lakes are at the operator's own risk.
- Go-carts are strictly prohibited from operating on Lake Wynonah roads or property and will not be issued an ATV/Golf Cart/Side-by-Side Sticker.
- Bicycles are considered to be vehicles in the Commonwealth of Pennsylvania and as such, all bicycle operators are required to obey all the rules of the LWPOA roads accordingly.

**5.20 Stickers for ATVs (off-road) and Other Non-Licensed Vehicles:** All ATVs and other unlicensed off-road vehicles brought into Lake Wynonah must be owned by a Member and must have a current year LWPOA Boat & Rec. Vehicle Sticker affixed.

Stickers are issued by the LWPOA Business Office, with requirements for obtaining a current sticker as follow:

- Only LWPOA Members who are in good standing may obtain a sticker(s).
- Provide documentation in the form of a Certificate of Insurance indicating that the off-road vehicle is covered for operation on Lake Wynonah roads for a minimum coverage of \$300,000 of liability and a minimum coverage of \$1000 of medical insurance for all recreational vehicles. This includes all motorized watercraft.
- Place sticker and 3" tall Member lot number on the REAR of the Member's vehicle(s) at a location and in such a manner as to be easily seen.
- Any vehicle that does not display a proper sticker and 3" lot number is subject to being stopped by the LWPOA Security for identification purposes.

**5.21 Violations for ATVs (off-road) and Other Non-Licensed Vehicles:** Should violations of any of these rules and regulations occur, perpetrators will be subjected to any disciplinary action or penalties as determined by the LWPOA Board of Directors at the time of the infraction(s) and to fines as established in the current Violation and Fine Schedule.

Security has the authority to enforce these rules and regulations and issue Violation Notices.

## 6. SERVICES AND UTILITIES:

**6.1 AED Unit:** LWPOA Security has an AED (Automated External Defibrillator) in its car. If a person is in distress, 911 should be called immediately, followed by Security. Security will bring the AED to the scene and anyone assisting the person in distress may use it. Security may administer the AED on a voluntary basis however, there is no mandate that requires the Security Officer to use it. A second AED Unit is located inside the Lodge.

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**6.2 Medical Evacuation – Medevac Locations:** Two Medevac locations have been designated for the timely and efficient use of air ambulances to transport sick or injured patients to a treatment facility. These locations are:

- The Lodge/Grove Parking Lot.
- Mustang Cove.

**6.3 Emergencies:** Members should clearly display their house numbers to assist in locating a residence.

**6.4 Private Deliveries:** Private mail delivery companies such as UPS and FedEx are permitted access to the community to deliver packages to your home. Other delivery trucks such as appliance or furniture deliveries are also given access however, the Member must call and notify the Security Office of the expected delivery. Delivery trucks may enter the community through the Main Entrance only.

**NOTE:** Packages may not be left at the LWPOA Business Office or Security for delivery to private residences.

**6.5 Private Trash and Garbage Pickup Services:** Members may select any trash hauler desired. The companies listed under Contact Information are those currently providing service to the community. The LWPOA Business Office cannot assist with any trash collection service problem. Questions or concerns should be directed to the sanitation company involved.

**6.6 Antenna and Satellite Dish Guidelines:** Contact the LWPOA Business Office for a copy of the complete Antenna Guidelines. These guidelines are also available on the FSR *Connect* site.

**6.7 Community Trash Containers and Dumpsters:** Contact the Business Office for information regarding the fee-based trash dumpster located at the Main Entrance for use by part-time Members. The LWPOA does provide trash containers throughout the community, but only for the deposit of “common area” refuse.

Under no circumstances should any household or contractor-generated refuse be placed in these containers. Fines will be issued for dumping trash in public areas.

No refuse may be deposited in/at the fee-based container at the Main Entrance without prior permission of the LWPOA. Anyone discovered violating these rules shall be subject to penalties which could include suspension, termination of privileges or possibly being prosecuted as a trespasser under the laws of the Commonwealth of Pennsylvania.

## 7. COMMUNITY COMMUNICATIONS AND SIGNS:

**7.1 FirstService Residential *Connect*:** This is the customized FSR Property Management website.

- Members are encouraged to access their account to review personal billing and property status. It also contains the most comprehensive information about the

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Lake Wynonah community, including the Articles of Incorporation, the By-Laws, Board and Membership Meeting Minutes, policy resolutions, financial statements, and the Annual Audit Report.

- Members are eligible to access this site by completing a Lake Wynonah FSR *Connect* Form to open a FSR *Connect* Account. The application form is available in the LWPOA Business Office. The account is secured by the Member establishing an access code for the account.

**NOTE:** Advise the Lake Wynonah Business Office of any changes to telephone numbers and email addresses so records can be updated to prevent undeliverable notices.

- 7.2 Lake Wynonah Newsletter:** There is an official community newsletter, the *Wynonah Neighborhood News*, prepared and printed monthly delivered by email. Contact the LWPOA Business Office to open a FSR *Connect* account. The Newsletter is also available at the Main and East Entrance community mailboxes and in the Business Office.
- 7.3 Lake Wynonah Community Mailboxes:** There is a community mailbox located in the exit lane at each gate. These mailboxes are used to provide information about upcoming community events and activities and the current edition of the community newsletter. All approved LWPOA clubs and organizations may use these mailboxes to distribute their flyers. Contact the LWPOA Business Office for information about obtaining permission to use the community mailboxes.
- 7.4 Official Lake Wynonah Website:** The LWPOA has an official website at [LakeWynonah.com](http://LakeWynonah.com). It provides extensive information about the community and the surrounding areas and includes photographs and real estate contacts.
- 7.5 Lake Wynonah Community Signs:** There are three community signs in Lake Wynonah: a digital sign at the Main Entrance and two signs at the East Entrance. These signs are used to inform the community of upcoming events and activities. Contact the LWPOA Business Office to learn how to have information posted on the signs.

**NOTE:** The LWPOA does post “BOIL WATER ALERTS” on the signs at the both entrances when notified by the Plum Creek Municipal Authority.

- 7.6 Realtor Signs:** These signs may be placed on the Member’s property with a dwelling, preferably next to the house, but not on LWPOA right-of-ways. Only one realtor sign may be placed on a property, with two realtor signs being permitted on lakefront properties (near house and lakeside). As well, any property that borders two separate streets may post a realtor sign along each street. For Sale signs are not permitted on vacant lots. Realtor sale signs should be removed immediately when a property is sold. A Sold sign may be displayed until the property closes.
- 7.7 Contractor Signs:** Only one sign can be placed on a lot at the time of groundbreaking and can remain during construction. Signs can only be 24” by 30”, but no larger. Signs must have the lot number displayed with 3-inch numbers.

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**7.8 Other Signs on Private Properties:** Only one 20" X 25" standard political yard sign is permitted per residence. The sign may be displayed no sooner than thirty (30) days prior to the election and shall be removed within seven (7) days after the election. Banners, streamers, flags, etc. when used as advertising may not be strung across properties. "Private Property" or "No Trespassing" signs may be displayed without approval.

**8. LAKE WYNONAH COMMUNITY FACILITIES:** Numerous recreational and sports facilities located throughout the community are maintained by the LWPOA for the exclusive use of Members and their Guests. Community facilities shall be governed by special rules and regulations and those declared by the Board of Directors or its duly authorized designees, and any violation of such rules shall be subject to fines or loss of privileges. A Member must be in good standing to utilize any of the facilities within the community. Most are available on a first-come, first-served basis. Others might require a reservation or a security deposit and/or rental fee. Previously scheduled events have priority over individual use of any of these facilities.

**NOTE: All Lake Wynonah indoor properties are smoke free.**

**8.1 Guest Use of Facilities:** In order to use any of the Lake Wynonah community facilities, Guests, even if admitted by a "Guest Pass", must be with the Member(s) they are visiting. The Member is responsible for the actions of his/her Guest(s). Violations by a Guest will subject the sponsoring Member to penalties that may be imposed, including suspension or termination of Membership privileges. Any person not complying with LWPOA rules and regulations may be treated as a trespasser and appropriately prosecuted under the laws of the Commonwealth of Pennsylvania.

**8.2 The Lake Wynonah Lodge:** The Lodge is owned and operated by LWPOA. It is a popular gathering place for Members and their Guests. It offers a lounge and restaurant areas with a natural stone fireplace, a bar with big-screen televisions, and an upstairs room with pool tables. The LWPOA maintains the PLCB Club Liquor License.

- A Lodge Social Membership card may be attained at the Business Office for Residents who are 21 years of age and older. This allows a Resident to purchase alcohol at the Lodge. An application, approval, and vote must occur prior to the receipt of the card.
- Board of Directors-approved activities are held at the Lodge. Activities include Friday and Saturday evening dinners, parties, meetings, and craft and bake sales. Schedules and times of events are usually posted in the Lake Wynonah newsletter as well as on the community digital sign and letter boards.
- The Community Calendar on FSR *Connect* and various community Facebook pages also share this Lodge-related information.
- As the largest gathering place within the community, it is necessary to have rules and regulations regarding behaviors at the Lodge. Members and Guests shall conduct themselves in a lawful, peaceful and orderly manner, and shall abide by the posted Lodge Rules and Regulations and all PLCB requirements.
- The tables and chairs are LWPOA property purchased for the enjoyment of Members while visiting the Lodge and as such, no club, group, or individual Member may borrow or remove them from the Lodge.



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**8.3 Rental of the Lake Wynonah Lodge:** Members in good standing may rent the Lodge for private parties and meetings. To reserve the Lodge for rental, contact the Business Office for the completion of the Lodge Rental form. All interested LWPOA-recognized clubs, groups, and organizations may use the Lodge in accordance with the following:

- Private events / parties (such as a birthday party or a meeting) that are limited to a sub-set of the community will require payment of a rental fee and a security deposit.
- Public / Open / Community Events (defined as an event that is open to all membership, residents and guests) held by any non-LWPOA-affiliated committee, club, or group will simply require a refundable security deposit but not a rental fee

**8.4 The Grove and A Dock Pavilion:** Referred to as “The Grove”, this picnic pavilion is located in a large wooded area opposite the Lodge and available for use/rental by Members in good standing and their families and Guests on a first-come, first-use basis. The same usage and rental provisions apply to the Pavilion and surrounding area at A Dock. Contact the Business Office for information about renting these areas.

- The Grove and all outdoor recreation areas are closed from 11:00 PM until 7:00 AM and are limited to Members in good standing only from 11:00 PM until 7:00 AM, with all minors being accompanied by a Member. All other individuals will be treated as a trespasser.
- The picnic pavilion located at A Dock is controlled by the Lake Wynonah Fish and Boat Club and all rental fees contribute to the club for stocking fish and maintaining healthy fish habitats in both lakes.
- If a group with a reservation arrives, the occupying group must vacate the pavilion(s) immediately.

**Exception:** Only LWPOA-approved community events may continue beyond 11:00 PM.

**8.5 Swimming Pools:** Lake Wynonah has a swimming pool located adjacent to the Lodge. There is also a baby pool in the same area. A Member in good standing has access to the swimming pools. The LWPOA Board of Directors sets entrance fees for Members’ Guests. The LWPOA Business Office should be contacted for the current policy.

Anyone aged 13 and under years of age must be accompanied by an adult 18 years or older. Permanent Guests may have access to the pool area without being accompanied by the Member but must present the appropriate ID card. However, temporary Guests must be accompanied by the Member being visited.

Alcoholic beverages of any kind are not permitted.

**8.6 Community Common Areas:** Tennis, Pickle Ball, Volleyball and Basketball Courts, Horse Shoe Pits in the Grove, all Picnic Areas and Playgrounds at F Dock and A Dock: There are lighted courts available on a no-fee, first-come, first-use basis. All of these recreation areas are closed from 11:00 PM until 7:00 AM. Anyone in those areas when closed constitutes trespassing. The access key for tennis is available at the Security Office.

The basketball courts may not be rented and canopies/tents may not be erected on the courts that make holes or otherwise damage the courts. Bike and skate boarding ramps are strictly prohibited on the basketball courts.

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**8.7 Alcohol at Common Areas:** No alcohol is permitted at C Dock or Sarsi Cove Common Areas.

**9. COMMUNITY LAKES, FACILITIES, AND COMMON AREA AMENITIES:** The water level of Fawn Lake is controlled and adjusted at the Fawn Lake dam. The water level of Lake Wynonah is controlled and adjusted by the Lake Wynonah dam. Both lakes, with their respective dams and spillways, are regulated by the Department of Environmental Protection (DEP), the Pennsylvania Department of Conservation and Natural Resources, the Pennsylvania Fish and Boat Commission, the Pennsylvania State Game Commission, and the U.S. Fish and Wildlife Services.

Primarily, the DEP regulates the water levels, the dams, and the spillways, while the Pennsylvania Fish and Boat Commission enforces all state laws on the waters.

The LWPOA Board of Directors adopted operating rules and regulations that apply to the use of the lakes with Members, Residents, and their Guests required to adhere to these regulations.

**NOTE: No individuals may trespass upon the spillway areas for any reason.**

**9.1 Unauthorized Vehicles on Dams:** No unauthorized vehicles are permitted on the Fawn Lake Dam or Lake Wynonah Dam breast areas at any time.

**9.2 Parking Areas:** All vehicles must be parked in designated parking areas only.

**9.3 Trash and Litter:** All individuals are to keep recreation facility areas clean and deposit refuse in the trash containers located throughout the common areas of the lakes for the deposit of "common area" refuse only. Under no circumstances should any household or contractor-generated refuse be placed in or around recreation facility trash receptacles and dumpsters. Fines will be issued for dumping trash in public areas.

**9.4 Lake Access Areas:** The Marina, Tomahawk Park and the Sarsi Cove common area, and seven boat docks areas (A-G) are the only lake access areas available for use by all individuals. Individuals do not have the right to cross private property to gain access to the lakes. No one is to be in any boat dock areas or public access areas around the lakes between the hours of 11:00 PM and 7:00 AM unless accompanied by a Member for the sole purpose of boating or fishing only.

**9.5 Swimming in the Lakes:** There are designated swimming areas for Fawn Lake or Lake Wynonah. These are C-Dock and Sarsi Cove, there are no lifeguards at either lake at any time. Anyone entering the water does so at one's own risk. No swimming is permitted at the Marina and B Dock Areas.

Anyone under 13 years of age must be accompanied by an adult 18 years or older. Permanent Guests may have access to the swim area without being accompanied by the Member. However, temporary Guests must be accompanied by the Member being visited.

**9.6 Fishing in the Lakes:** Fishing is allowed from any of the lake access areas and from boats

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(only electric-powered or non-motor powered boats for Fawn Lake). Fishermen must be Members or their Guests in order to fish our lakes. All fishing rules, regulations and licensing requirements of the Pennsylvania Fish Commission and the Commonwealth of Pennsylvania apply, even when fishing from private property (with prior permission of the Member).

- 9.7 Watercraft Trailer Storage:** Rental spaces in three storage/parking areas near the Marina D Dock and at E Dock area are available for watercraft and/or trailer parking on an annual basis. Rental stickers must be obtained from the Business Office and affixed to the watercraft and trailer. Contact the Business Office for additional information and fee schedule. Watercraft and/or trailers must not be left anywhere else, other than at community dock areas or the Member's property (off the road right-of-way), for more than 24 hours; otherwise, they will be subject to towing, by a company of Management's discretion and at the Member's expense.
- 9.8 Watercraft Trailer Winter Storage:** Covers and canopies may be used for winter storage of watercraft in the two storage/parking areas near the Marina or other designated storage areas. At the end of winter storage, the canopy must be dismantled and taken down. Tarps may be used to cover watercraft and/or trailers on private property but only during the winter season.
- 9.9 Bulkheads and Docks:** Bulkheads and Docks require permits from the DEP and LWPOA. Contact the Business Office for details.
- Length of Docks: Up to 20-foot maximum extension for a boat dock into either lake's waters is permissible and requires the completion of DEP and LWPOA documents.
- 10. LAKE WYNONAH:** This lake is two and one-half miles long, is up to 90 feet deep, and covers approximately 175 acres. Both motor powered and non-powered watercraft are permitted. Water skiing and other water sports are allowed.
- 10.1 The Marina:** The Marina offers a parking lot, a paved boat ramp, fuel pump (credit card payment only, Memorial Day through Labor Day, weekends and holidays only) and covered picnic tables. The first-come, first-use facility does not require a reservation and no fees are charged for using it. Additionally, no-fee, first-come, first-use temporary moorings are available for up to 15 minutes. Fishing and docking of boats are allowed at the Marina at the user's risk. During operational hours, there will be no mooring around the gas pump area nor fishing permitted.

**NOTE: Absolutely NO SWIMMING is permitted around the Marina area.**

- 10.2 Lake Wynonah "B" Dock Boat Ramp:** In addition to the Marina, a second paved boat ramp is provided for Members in good standing to access Lake Wynonah at "B" Dock. The no-fee ramp is provided on a first-come, first-use basis. Additionally, one no-fee temporary mooring, for up to 15 minutes of use, is provided on a first-come, first-served basis. Ample parking is available at this location.

**NOTE: Absolutely NO SWIMMING is permitted around the B Dock area.**

- 10.3 Lake Wynonah Boat Dock Rentals:** Boat slips are located at six locations (B through G

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Dock) and are available for rent on an annual basis. In order to rent a dock, the Member must complete the Lease of Dock form available at the Business Office. This form contains the requirements to be met by Members in good standing to rent a slip.

- To rent a dock and remain on the Boat Dock Waiting List (**currently 3-5 years**), a Member must be in good standing and will be notified as soon as a dock becomes available.
- The boat slip rental period begins in February in order to provide adequate time for assigning the docks prior to the start of boating season.
- When a Member is notified, he/she will have 24 hours to respond or else be passed over for the next person on the Boat Dock Waiting List.
- At the time of a dock acceptance, the Member must indicate the choice of a specific dock from the selections made available at the time. Failure to do so will result in the Member losing the opportunity to rent a boat dock for the upcoming season.
- Once the Member selects an available dock, a Lease of Boat Dock Space form must be completed/signed. Contact the LWPOA Business Office for current dock rental charges and required documents.

In order to continue renting a boat slip, the Member must purchase a current Boat Launching Sticker by satisfying the necessary requirements each year. Otherwise, the slip will be relinquished to the LWPOA Business Office for reassignment.

- Boat slips cannot be sub-leased or transferred. Only the LWPOA can rent slips to a Member. When a boat slip is vacated, it will be offered to the Member at the top of the Boat Dock Waiting List.
- ***Management reserves the right to switch a Member to another dock for reasons as determined by Management.***
- Proof of Member(s) boat ownership must be provided at the signing of the Boat Dock Space form.

Should a Member not fulfill the requirements and timelines as established for attaining a boat dock rental, including the decision to not elect to have a boat dock rental for the season it is offered, the Member will be placed at the bottom of the Boat Dock Waiting List for future boat dock rentals.

**11. FAWN LAKE:** Fawn Lake is  $\frac{3}{4}$  of a mile long, is up to 45 feet deep, and covers approximately 27 acres. Only non-motor powered or electric motor powered watercraft are permitted on Fawn Lake.

**11.1 Fawn Lake Boat Ramp/Rental Canoe and Kayak Racks:** A paved boat launch and rental Canoe/Kayak racks are available at A Dock.

## **12. WATERCRAFT and WATERCRAFT OPERATION:**

**12.1 Watercraft Rules and Regulations:** The operation of watercraft on Lake Wynonah and Fawn Lake is subject to the jurisdiction of the Pennsylvania Fish & Boat Commission as well

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as the rules and regulations of the LWPOA. Enforcement Officers from the Pennsylvania Fish & Boat Commission and LWPOA Security patrol the waters of both lakes. NOTE: Only non-powered or electric powered watercraft are permitted on Fawn Lake.

Where reference is made to daytime and nighttime operation, or from sunset to sunrise (or dusk to dawn), LWPOA will adhere to the "77<sup>th</sup> Meridian Time" chart (adjusted minus four minutes for Lake Wynonah) found on page 16 of the PA Boating Handbook. This establishes the times of sunset and sunrise for each week of the year.

### 12.2 The Following Actions and Watercraft are Prohibited:

- **Operating a motorized watercraft greater than 25HP without a PA BSC or equivalent in possession.**
- **Violation of Minimum Age requirements.**
- **Watercraft Access except via the Main Gate.** All watercraft must enter and exit the Community through the Main Entrance off PA Route 183. No watercraft may enter the community through the East Entrance. Fines will be issued for illegal entry through the East Entrance.
- **Failure to Stop and Report Entry of Watercraft to Security:** All watercraft entering the community must stop at the main gate and report to Security. (See Lake Wynonah Invasive Species Quarantine Policy, Section 13).
- **The Entry or Use of any Guest Watercraft:** Guests and non-Members are prohibited from bringing ANY watercraft into the Lake Wynonah community.
- **Power Boats exceeding 21 feet Length Overall (LOA), and Pontoon boats exceeding 24 feet (LOA). (See Sections 12.8 and 12.9).**
- **Tryout or Testing of Watercraft:** The testing or "trying out" of watercraft prior to purchase and registration or without a LW Boat and Recreational Vehicle Sticker by any Member and/or non-Member.
- **Unsafe Boating Practices:** See Section 12.16.
- **Illegal Boating Practices per PA Fish and Boat Regulations.**
- **Violation of PA Boat Regulations.**
- **Wake Surfing:** See Section 12.14.
- **The Use of Ballast or other means to create greater wakes:** See Section 12.13.
- **Altering Boat Exhaust Systems to reduce or eliminate the effectiveness of the muffler and use of muffler cutouts (bypasses).**
- **Boat racing and PWC racing.**
- **Airboats, Houseboats, and Amphibious Vehicles.**
- **Parasailing, hang gliding, parachutes or other aerals towed by a watercraft**
- **Motorized surfboards/boogies boards and the like.**
- **Water jet pack devices.**
- **And other prohibited actions found in the LWPOA Handbook.**

**12.3 Watercraft:** The term Watercraft includes all boats (power and non-power), Personal Water Craft (PWCs), sailboats, canoes, paddleboats, pontoon boats, kayaks, paddle boards and the like.

- All watercraft require a LW Boat and Recreational Vehicle Sticker. Boat and Recreational Vehicle Stickers are valid for one year, from April 1 to March 31.

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- A current PA Boat Registration Number is required for all powered watercraft and must be displayed in accordance with PA Fish and Boat Commission regulations.
- A current Boat and Recreational Vehicle Sticker and the Member's lot number (minimum 3" high numbers) must be displayed above the waterline on the left rear of the watercraft.
- Boats launched without a current LW Boat and Recreational Vehicle Sticker are in violation and subject to a fine.
- Boat and Recreational Vehicle Sticker are available annually by Members in good standing at the LWPOA Business Office. Proof of insurance and other documents, (including title and registration and boating safety education certificate) must be submitted along with the Payment Sheet. Changes in ownership, registration or insurance coverage must be submitted to the LWPOA Business Office along with an application for a new Boat and Recreational Vehicle Sticker.
- Watercraft entering Lake Wynonah are subject to the Lake Wynonah Invasive Species Quarantine Policy (See Section 13).

**12.4 Co-Ownership of a Watercraft:** If more than one person owns a watercraft and only one of the owners is a Member, said Member must be in good standing before a Boat and Recreational Vehicle Sticker will be issued. If two or more Members own a watercraft, then in order to obtain Boat and Recreational Vehicle Sticker, all dues, fines, assessments and fees must be paid in full on all properties owned by all the LWPOA Members.

**12.5 Boating Safety Certificates and Personal Flotation Devices:** All PA Boating Regulations must be followed and are enforced. Canoeists, Kayakers and paddle boarders must adhere to PA requirements for lifejackets, sound producing devices, and registration/launch permit. PA requires the wearing of life jackets between November 1 and April 30 on watercraft less than 16 feet in length, including but not limited to canoes, kayaks, and paddleboards.

A PA Boating Safety Education Certificate (BSC) or equivalent issued by another State or the USCG is required and must be in the possession of all operators of all motorized watercraft greater than 25 HP, regardless of the operator's age.

**12.6 Boating Speed Limits:** The speed limit for any and all watercraft on Lake Wynonah is 40 miles per hour during daylight hours. The speed limit is 15 MPH from sunset to sunrise.

**12.7 Boating Limitations and Length Overall (LOA):** To prevent overcrowding on Lake Wynonah, Members are limited to operating not more than two motorized watercrafts at the same time on weekends and holidays. In addition, no more than one skier or towable per watercraft is permitted on weekends and holidays.

Weekends are defined as all day Saturday and all day Sunday for the period between and including Memorial Day and Labor Day. Holidays are defines as Memorial Day, July 4<sup>th</sup>, and Labor Day.

LOA is measured from the tip of the bow in a straight line to the stern of the vessel. Bowsprits; rudders; outboard motors and motor brackets; handles; and other fittings, attachments, and extensions are not included in the measurement of LOA.

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**12.8 Power Boats:** The maximum overall length of a regular motor/power boat shall be 21 feet. A power boat is any motor boat with a hull and an engine over 25 HP (this also includes electric motors). Operation of a power boat by a person 11 years of age or younger is prohibited. Operators between the ages of 12 and 15 must be accompanied by an adult (age 18 and up, with a BSC in possession). Power boats in the Lake Wynonah community that exceed 21 feet LOA that the power boat was registered and in the community on or before 2008 are grandfathered provided that they have been continuously registered and owned by a Member.

**12.9 Pontoon Boats:** A pontoon boat is any boat with a large, flat deck that is mounted atop two or more metal tubes called pontoons. Operation of a pontoon boat (25HP and up) by a person 11 years old or younger is prohibited. Operators between the ages of 12 and 15 must be accompanied by an adult (age 18 and up, with a BSC in possession). The maximum overall length of a pontoon boat shall be 24 feet. Pontoon boats in the Lake Wynonah community that exceed 24 feet LOA that were registered on or before April 20, 2009, are grandfathered, provided that the pontoon boat was continuously registered and owned by a Member.

**12.9.1 Personal Water Craft (PWC):** PWCs are defined as vessels less than 16 feet in length that use an inboard engine powering a water jet pump as their primary source of propulsion. PWC operators must follow the same PA laws and LW regulations as other boaters.

Pennsylvania regulations specific to PWCs require that:

- PWC operators must wear life jackets at all times. Passengers must also wear life jackets. Inflatable life jackets are not acceptable.
- PWCs must carry a fully charged fire extinguisher and sound-producing device on board.
- Operators must attach the cut-off switch safety lanyard to clothing, body, or life jacket.
- Operators must have a Boating Safety Education Certification in their possession.
- PWCs are prohibited from operating between sunset and sunrise.
- Operators must be at least 12 years of age.
- Operators 15 years of age or younger may not have a person 15 years or age or younger as a passenger.
- Towing more than one person behind a PWC is illegal.
- To tow a person, the PWC must have rated capacity for more than 2 people.

**12.10 Counterclockwise Rule:** The operation of motorized watercraft shall be in a counterclockwise direction. All towing by PWCs, power boats, and pontoon boats shall be in a counter clock-wise direction. Towing of any skier or device (tube etc.) is prohibited between sunset and sunrise.

**12.11 Mooring or Anchoring Buoy:** Anchorage buoys must not exceed 28' from the shoreline with the watercraft being tethered to the shore. Buoys must be approved by the PA Fish and Boat and by LWPOA, and all permits must be on file at the LWPOA Business Office.

**12.12 Slow No Wake Rules:** "Slow No-Wake" speed shall be maintained at all times within 100 feet of the shoreline and in all coves and other designated areas. PA Fish and Boat Commission defines "Slow No-Wake" speed as the slowest speed required to maintain maneuverability so that the wake created on the surface is minimal.

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**12.13 Wake Boats and Ballast Tanks:** Boaters are prohibited from using ballast or other means to create greater wakes. This includes filling built-in ballast tanks or adding any ballast or using any mechanical means to purposefully create greater wakes. Boaters who violate this policy and are subject to fines in accord with the Fine Schedule.

### **12.14 Wake Surfing is prohibited in Lake Wynonah;**

Wake Surfing is defined as a watersport in which a wake surfer (rider) trails behind a boat on a 'board', riding the boat's wake without being directly pulled by the boat. After getting up on the board in the wake, typically by use of a towrope, the rider will toss the rope inboard and ride/surf the steep face below the wave's peak in a fashion reminiscent of ocean surfing. In order to wake surf, the boat trim is modified and/or a ballast is utilized to produce a large wake, which is damaging to the shoreline, shoreline structures, and is dangerous and/or damaging to other watercraft and docks. Wake surfing generally takes place from ten (10) to eighteen (18) feet behind the boat's transom at a speed topping out anywhere from nine (9) to eleven (11) miles per hour. Wake surfing is prohibited on any type of board, whether with or without bindings, including but not limited to a wakeboard, wake skate board and/or a wake surf board.

**12.15 Watersports and Towable:** All water skiers, tubers, and others must be towed by a rope and must maintain a minimum distance of twenty (20) feet from the rear (transom) of the boat, except for the short period which may be required for launching or recovering of the individual. Watercraft propelled by an outboard motor, an inboard/outboard motor, or a water jet are prohibited from towing a person in or on the wake of the boat within twenty (20) feet of the transom. Towropes may not be shorter than twenty (20) feet or longer than eighty (80) feet.

Waterskiing, tubing, and other towed watersports are prohibited between dusk and dawn.

In addition to the watercraft operator, a competent observer must be in the boat in a position to observe the person being towed. A competent observer is a person who has the ability to assess if the person being towed is in trouble, knows and understands the hand signals, and is capable of helping a person in the water.

All watercraft towing water skiers, tubers, etc. must display the Skier Down Flag at all times when towing water skiers, tubers, etc. Flags should NOT be displayed when not actively towing.

**12.16 Unsafe Boating Practices:** All PA Boating Regulations must be followed and will be enforced. Unsafe boating practices are prohibited. In PA, it is illegal to:

- Operate a boat at greater than slow, no-wake speed within 100 feet of the shoreline, docks, launch ramps, swimmers, downed skiers, persons wading in the water, anchored, moored or drifting boats and floats, or in areas marked with 'slow, no-wake' buoys.
- Operate faster than slow, no-wake speed when within 100 feet to the rear or 50 feet to the side of another boat that is underway, unless in a narrow channel.
- Operate within 100 feet of any person towed behind another boat.
- Cause a watercraft to become airborne or to leave the water completely while crossing another boat's wake when within 100 feet of the boat creating the wake.
- Operate a watercraft in a reckless, negligent or dangerous manner. Boats must be operated



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at a rate of speed that does not endanger the life or property of any person.

- Fail to keep proper lookout or fail to maintain a safe speed, so that the boat operator cannot take proper and effective action to avoid a collision.
- Weave through congested traffic.
- Operate a motorboat less than 20 feet in length at greater than slow, no-wake speed while a person is standing on or in the boat.
- Operate a motorboat with a person riding outside of the passenger carrying area or while a person is riding on the bow decking, gunwales, transom or motor cover.
- Tow more than one person at a time behind a PWC or tow anyone behind a PWC with a capacity of two persons or fewer.
- Operate a pontoon boat while a person is riding outside the passenger-carrying area.
- Operate a PWC from sunset to sunrise.
- Operate or be a passenger on a PWC without wearing a life jacket.
- Operate a PWC without having a Boating Safety Education certification in possession.
- Operate a boat using docking lights while underway.

**12.17 Winter Watercraft Removal:** Watercraft docked at community docks on Lake Wynonah must be removed from the water on or before October 31<sup>st</sup> each year to prepare for lowering the lake water level.

**12.18 Watercraft Violations:** Violation of any of the laws, rules, or regulations of the Commonwealth of Pennsylvania or of the LWPOA are grounds for fines, suspension or termination of all boating privileges in the Lake Wynonah community or the imposition of any other penalties as the LWPOA Board of Directors deems appropriate. The LWPOA Violation Schedule and Fine Table are available at the Business Office and on FSR Connect.

**12.19 Reporting Watercraft Violations:** Any fishing, boating, jet skiing, or water- skiing violations witnessed should be reported immediately to the Security Office. Violations may also be reported to the Pennsylvania Fish & Boat Commission (See Contact Information page).

## 13. LAKE WYNONAH INVASIVE SPECIES QUARANTINE POLICY:

### 13.1 Watercraft Leaving Community:

- All Members wishing to leave the community with their power watercraft must complete and adhere to the Watercraft Quarantine Worksheet available at the Security Office and the Stop Hitchhikers policy available in the Business Office and on the FSR *Connect* site. This policy, along with the educational document on invasive species, must be signed by the Member prior to getting a LWPOA Boat Launching Sticker.
- Members must stop at the Security Office at the Main Entrance to secure a Watercraft Re-Entry Pass and LWPOA lock (if applicable) when leaving the community with a water vehicle.
- A 5-day quarantine period will be required if a Watercraft Re-Entry Pass and previously attached LWPOA lock have not been attained.
- No Vendor passes allowed. Only the PA Fish and Boat Commission and local emergency agencies will be permitted to bring a non-Member watercraft into the Lake Wynonah community.

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- All forms related to the Invasive Species and Zebra Mussel Quarantine Policy are available at the LWPOA Business Office or the Security Office.

### 13.2 Violations of the Invasive Species Quarantine Policy:

- Any deviation to the above procedures will result in the fines as per the current Violation and Fine Schedule.
- Any watercraft subject to the Invasive Species/Quarantine policy caught entering through the East Entrance will be assessed a fine as per the current Violation and Fine Schedule.

### 14. CLUBS, GROUPS AND VOLUNTEER ORGANIZATIONS: The Lake Wynonah community has many clubs, groups and organizations that are active in the neighborhood and contribute significantly to its overall quality.

A policy of rules and regulations govern each organization that exists under the auspices of the LWPOA Board of Directors. These policies are not intended to control any organization but to provide a set of guidelines for the organizations to follow to ensure the non-profit organization status by the IRS and other Federal Agencies to the LWPOA. Organizations that agree to follow the policy guidelines of the LWPOA will be listed as an LWPOA-endorsed organization and will receive the benefits of using LWPOA common areas without rental or security deposit fees. The completion of a LWPOA Committee Event Form must take place to ensure site availability.

Since the LWPOA must maintain accurate financial records to protect its Non-Profit status, all endorsed groups, clubs and committees must provide monthly financial records as they are an extension of the LWPOA. All LWPOA clubs, groups, and associations are also required to forward copies of their monthly meeting Minutes to the Business Office.

There are no financial budgets provided to any of the clubs and groups in Lake Wynonah. Each of the organizations uses various activities to raise funds to support their programs.

As a Member, you are automatically eligible for membership in any of these clubs, groups and committees, and each would gladly welcome your participation. Groups include:

#### 14.1 Lake Wynonah Fish and Boat Club: The Fish and Boat Club is dedicated to maintaining the health and well-being of the lakes and promoting fishing for all ages. Activities include:

- Stocking various species of fish in both lakes
- Building fish habitats
- Children's Trout Rodeo and Bluegill Tournament
- Adult fish tournaments with cash prizes
- Friendly's fundraiser event

#### 14.2 Lake Wynonah Book Group: A community book group operates a lending library/book exchange located in the lower level of the Business Office. Members are invited to visit the library to read at their leisure, borrow a book to enjoy at home, or to donate books during normal Business Office hours.

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- 14.3 Bible Study:** This non-denominational Christian-based study is open to all Members interested in learning more about the Christian way of life.
- 14.4 Pinochle:** This gathering meets each week to enjoy Pinochle, fellowship, and snacks.
- 14.5 Call for Volunteers:** Operating the Lake Wynonah community requires the voluntary assistance of Members in many different capacities. Activities of official LWPOA clubs and committees and of the Board of Directors necessitate Members to become involved to be successful. If you possess the time, talents and perhaps even specialized, professional knowledge and experience, please consider becoming involved in one or more of our organizations.

## 15. MISCELLANEOUS RULES AND REGULATIONS:

- 15.1 Domestic Pets:** Only customary domesticated household pets may be kept in the Lake Wynonah community. Any infraction of the Pennsylvania Dog Laws will be viewed as a violation and is subject to fines.

LWPOA rules regarding domestic pets share that Members must:

- Provide for their care and assure that the pets do not become a public nuisance.
- Retain pets on the Member's property. When off property, pets must be under the owner's control.
- Clean up after their pets. It is unacceptable to allow an animal to create offensive odors or unsanitary conditions which are considered dangerous to the health, comfort or safety of the community.
- Avoid the frequent annoying or excessive and/or habitual barking, howling, screeching, yelping or baying noise by a dog, cat or other animal and that are prohibited under the LWPOA Noise Ordinance. Not post lost pet signs anywhere in the community. If a pet is lost, the owner may ask the LWPOA Business Office to send an Email Blast to the community. However, if the pet is found, the owner must notify the Business Office so the community can be updated.

- 15.2 Reporting Domestic Pet Problems:** If a Member has a recurring complaint about a nuisance pet, a grievance may be filed with the local magistrate under Pennsylvania Dog Laws.

- Complaints such as animal bites or dogs being unlicensed or running loose should be directed to the Schuylkill County Animal Control Officer, not LWPOA Security. Our Security Officers can only issue Violation Notices for pet nuisance behaviors.

- 15.3 Wildlife:** The PA Game Commission recommends that residents do not feed any wildlife.

- 15.4 Waterfowl and Feral Animals:** Feeding geese, ducks, waterfowl and feral animals is strictly prohibited. The LWPOA obtains annual Federal Permits to control nesting of waterfowl. Fines are issued for non-compliance as per the LWPOA Violation and Fine Schedule.

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**15.5 Noise Pollution:** Loud noises/activities should be minimized at all times, but absolutely will not be tolerated after 11:00 PM.

**15.6 Littering:** A person is guilty of littering if he or she:

- Causes any waste paper, household waste, glass, metal, refuse or rubbish to be deposited into or upon any roadway, or upon land belonging to the LWPOA or any Member, or into the waterways of the community.
- Interferes with, scatters, or disturbs the contents of any receptacle containing ashes, garbage, household waste or rubbish.
- Fines assessed as per Violation and Fine Schedule.

**15.7 Solicitation:** Soliciting is not permitted in the Lake Wynonah community. Pamphlets, flyers, booklets in newspaper tubes, on mailboxes or door handles, etc. that are unrequested are prohibited.

**15.8 Offensive Trade or Activity:** No noxious or offensive trade or activity shall be permitted on any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

**15.9 Controlled Burning:** Controlled burning is allowed for yard debris and only during daylight hours on individual properties however, controlled burning is limited by many restrictions, with the following LWPOA rules for controlled burning on individual properties enacted:

- Call Security and advise of controlled fire before beginning.
- A garden hose or a fire extinguisher and a shovel must be available at the site while keeping the surrounding area watered down during the burn.
- No items may be brought into the community from outside Lake Wynonah to burn in a controlled burn. The only exception is seasoned firewood, commercial logs, and other clean burning fuels for recreational fires.
- The fire must be directly attended until it is completely out.

**15.10 Additional Miscellaneous Information about Burning:**

- The supervised Burn Pile near the Maintenance Building is subject to the same restrictions as Controlled Burning rules for Members.
- Outdoor Wood Burning Furnaces are banned.

**15.11 Campfires and other Recreational Fires:**

- Although controlled burning may not be done after dark, recreational fires such as small campfires, chimineas, fire pits, outdoor electric or propane fireplaces constructed of other non-burning materials are permitted. However, the unit may not exceed 36" in diameter.
- If a recreational fire pit is a permanent structure, it must be at least ten (10) feet from the property line.
- All items that are strictly prohibited in the controlled burning regulations are

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also prohibited in recreational fires.

- The fire must be directly attended until it is completely out.
- All other fire and safety rules of the LWPOA apply.

**15.12 Camping:** No camping of any kind is permitted on Member vacant/unimproved lots within Lake Wynonah. Likewise, no campers, tents, shacks or similar structures shall be erected, moved to or placed upon said premises. This also applies to LWPOA common areas.

**15.13 Hunting:** All Pennsylvania State Game Commission Hunting Laws apply to the Lake Wynonah community. If a person has a complaint about illegal hunting, the complaint should be directly filed by the Member with the Pennsylvania State Game Commission and/or the Pennsylvania State Police.

**15.14 Hunting on Ski Slope Lot #2643:** With prior Security notification, Members may hunt on the Ski Slope area, Lot #2643.

**15.15 No Hunting** is permitted in the Lake Wynonah Community.

**15.16 Border Hunting:** Safety zones and hunting outside of the community are regulated by the Pennsylvania Game Commission, not LWPOA Security or the LWPOA.

**15.17 No firearms** may be discharged in the Lake Wynonah community.

**15.18 Inappropriate Behavior Policy:** Specific rules address inappropriate behavior of Members and/or their Guests when interacting with individuals acting as agents of the Lake Wynonah Property Owners Association, including employees, contractors, and volunteers. Details of the Policy are available in the Business Office and on *Connect*.

**16. LOT MAINTENANCE:** All properties in Lake Wynonah must be maintained in a reasonably well-kept manner and according to the LWPOA By-Laws and the LWPOA rules and regulations. Security is authorized to report violations on the general condition of properties to the LWPOA Management and fines will be levied for non-compliance.

**16.1 Grass Cutting:** It is the Member's responsibility to always maintain a tidy lot. The LWPOA will be enforcing the following policy during the growing season as determined by Management for failure to maintain a mowed lot:

- Non-ornamental grass and weeds must be cut before exceeding a ten (10) inch height.
- A Member must file a Communication Form, available in the Business Office or on the FSR *Connect* site, about a lot needing to be cut and submit it to the LWPOA Business Office. The LWPOA will then inspect the lot to determine if the complaint is valid. If the complaint is valid, the LWPOA Community Manager will have the lawn cut at the Member's expense as soon as possible.
- The current charge as determined by the LWPOA shall be applied to the Member account to cover the cost of the grass cutting.

**NOTE:** There will be no prior notice that lots will be cut or that a complaint was filed.

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- 16.2 Perk Holes:** Perk holes or open probe holes must be filled in, restoring the property to its original condition.
- 16.3 Carports:** Aluminum carports and steel canopies are not approved structures in the Lake Wynonah community.
- 16.4 Untreated Wastewater:** No untreated wastewater shall be permitted to enter any waterways or lakes in the LWPOA community. The Sewage Enforcement Officer, the PA Boat and Fish Commission and/or other appropriate authority will be immediately notified by Management to investigate. All damages and penalties will be assessed to the Member.
- 16.5 Portable Toilets:** No outside or portable toilets are permitted on any Member's lot(s). The Sewage Enforcement Officer, the PA Boat and Fish Commission and/or other appropriate authorities will be immediately notified by Management to investigate. All damages and penalties will be assessed to the Member. Fines will be issued for non-compliance.
- NOTE: Portable Toilet Exception:** Portable toilets are allowed for new construction sites for a period of six months.
- 16.6 Fences:** Fences must adhere to township regulations, LWPOA Deed Restrictions and permits, and the LWPOA Fencing Guidelines available in the Business Office and on *Connect*.
- 16.7 Damaged Structures:** Any structures or materials on any lot that are destroyed in whole or in part by fire, windstorm, or other act of God must be rebuilt or all debris removed and the lot restored to an acceptable condition. Under no circumstances should debris remain on any lot longer than three months.
- 16.8 Extra Lots as One:** In order to encourage ownership of multiple lots, the LWPOA may consider contiguous lots as "free" for billing purposes if certain criteria are met. If a Member owns more than one contiguous lot, it is possible to have the grouping of lots considered as one lot for billing purposes.

The following criteria must be followed:

- At least one of the lots must be adjoined on common sides or borders (or a portion of same) with two other lots; lots having only corners touching don't share enough common borders to be considered contiguous.
- There must be a permanent construction on the lots (not just a shed), located in such a way that the lots cannot be sold separately. An example would be a dwelling on one lot with an attached garage extending onto another lot.

The Member must submit a Combination of Lots Form to the LWPOA Business Office in order to have the lots considered for combination under the rules applying to construction of permanent structures on adjoining lots.

- 16.9 Architectural Review Committee:** The Architectural Review Committee (ARC) works with the Lake Wynonah Community Manager and the Board of Directors to oversee Deed Restrictions and amenities, presenting recommendations to the LWPOA Board of Directors for decisions or resolutions on properties not in compliance and on planned

construction projects.

- 17. RESERVE STUDIES:** The LWPOA is charged with the responsibility of maintaining the property value of its common elements. As such, the LWPOA must plan and fund for expected maintenance and repairs of community properties. The goal of a Reserve Study is to set a minimum amount of annual Reserve Fund contributions that the LWPOA must make in order to ensure the funds are available for future repairs or replacement of components within the community.

In performing a Reserve Study, two major tasks are performed:

**17.1 Physical Analysis:**

- Component inventory.
- Condition assessment based on the on-site visual observations.
- Life and valuation estimates.

**17.2 Condition Assessment:**

- Funding status (Community reserve balance, income, and expenses).
- Funding plan.

The LWPOA employs a team of professional engineers, architects, inspectors, green professionals and reserve study specialists who evaluates the physical component inventory of the community as well as the condition assessments. The LWPOA uses this Reserve Study as a road map for planning budgets, meeting all legal, fiduciary and professional requirements, minimizing the need for special assessments and enhancing property resale values. This study allows the LWPOA to establish funding goals ahead of time and then concentrate on strategies to achieve those objectives.

The reports present multiple projections so that the LWPOA can see the result of continuing present funding practices as well as other funding plans.

A copy of the current Basic Reserve Study Update can be found at the Business office and the FSR *Connect* site.

- 18. BUILDING PERMITS AND COMMON DEED RESTRICTIONS:** For more detailed Deed Restrictions information, refer to the LWPOA Deed Restrictions document.

- 18.1 General Information Regarding Building Permits:** LWPOA Building Permits are required for the performance of work on existing dwellings/buildings or for new construction of such structures, on lots located within the Lake Wynonah community. LWPOA Building Permits are issued only to Members of the LWPOA and many projects require a fee. Please call the LWPOA Business Office for clarification as to whether a permit is required. These permits are in addition to any permits that may be required by South Manheim or Wayne Townships. The applicable township should be contacted to determine whether it has requirements for work such as building, construction, or remodeling.

**NOTE:** A refundable deposit is required for driveway or swale construction.

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- 18.2 Building Inspection Agencies:** The LWPOA has available inspection agencies to provide services to assure that all construction meets minimum standards. The appropriate fees must be paid by the Member and submitted to the LWPOA Business Office with the Building Permit application.
- 18.3 Building Inspector:** It is the Member's responsibility to ask the LWPOA Business Office to arrange for any required inspections, especially but not limited to driveway installation and setbacks from property lines. No deposit money (when collected) will be refunded until all of the required inspection requirements have been satisfactorily completed.
- 18.4 Building Standards:** The LWPOA has determined that it is in the best interest of builders, Members, and the LWPOA, as well as the health, safety and welfare of residents, that ascertainable building standards be established within the community. The rules adopted by the Commonwealth of Pennsylvania governing building construction that apply throughout the state under the Uniform Construction Code (UCC) apply to any and all construction within the LWPOA community, including applicable UCC-adopted International Code Council Building Codes. The UCC rules concerning licensing of and issuing permits also apply. Additionally, all residential home improvement contractors must be registered with the Pennsylvania Attorney General's Office.
- No contractor work may be completed on Sundays and holidays.
- 18.5 Prerequisites before a Building Permit can be issued:** To qualify for a building permit, a Member must be in good standing.
- 18.6 Building without Permits:** Fines will be levied against any Member who begins construction without having a required building permit, equal to the cost of the permit itself.
- 18.7 Square Footage Requirement:** No new residence shall have less than 1100 square feet of living space on the ground floor, or first floor, exclusive of garages and porch areas. The 1100 square feet shall be determined by measuring the exterior of the first floor living area.
- 18.8 Restricted Buildings:** No house trailers or mobile homes may be erected, moved to, or placed on any lot in the Lake Wynonah community.
- 18.9 Storage Buildings:** Not more than one single family dwelling house may be erected or constructed on any one lot, nor more than two buildings for storage purposes. No building or structure of any kind shall be erected prior to the erection of a dwelling house on this lot. No accessory or temporary building shall be used or occupied as living quarters on this lot.
- 18.10 Exterior Construction:** All building exteriors must be completed within six months from the LWPOA Construction Authorization Application issuance and shall not have tarpaper, roll brick siding or similar materials on the outside walls.
- 18.11 Construction Deadlines:** Fines will be levied when construction deadlines are not met.
- 18.12 No Fee Building Permits:** Members must obtain a No Fee Building Permit to allow access to Lake Wynonah of any deliveries and/or workers who are connected with the work to be



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completed. Any construction on the interior of an existing house or any partial reconstruction on the exterior of an existing building requires a No Fee Building Permit. To obtain a No Fee Building Permit, complete the Building Permit Application and submit it to the LWPOA Business Office. The permit will be approved immediately, providing the contractor has a current/complete Certificate of Insurance on file with the LWPOA Business Office. The permit expires after 30 days. An additional application, through the Business Office, must be completed/filed for an extension of the original permit's issuance.

### **18.13 Interior Building Construction Requiring a No-Fee Permit:** A few examples are:

Carpeting	Driveway Seal Coating
Paneling	Request for Dumpster
Electrical wiring	Painting
Contracted Paper-hanging	

### **18.14 Exterior Building Construction requiring A No-Fee Permit:** A few examples are:

Chimney	Roof Shingles and/or plywood
Landscaping	Contractor Pressure Washing
Replacing the deck (same size only)	
Remove brush and lot clearing	
Repairs (new doors, windows, siding)	

### **18.15 Major Building Permits:** Any complete construction or reconstruction requires a LWPOA Construction Authorization and payment of associated fees.

The steps involved in obtaining a LWPOA Major Building Permit are:

- The Member must be fully aware of all requirements contained within certain documents and ensure the contractor is also fully aware of these requirements.
- The documents which constitute this list of "required reading" include:
  - The LWPOA Driveway, Swale, and Drainage Ditch Construction Specification Sheet
  - The LWPOA Deed Restrictions
  - The current Township Zoning Code (available through the applicable township)
  - Both the *Soil Erosion and Sedimentation Control Form* (available through the PA Conservation District Office in Pottsville) and the *LWPOA Erosion and Sediment Control Requirements* (located in the LWPOA Building Permit).
  - The Rules and Regulations for Connections to the Plum Creek Municipal Authority (PCMA) Water Distribution System available from the PCMA

### **18.16 Document Requirements:** The Member must submit to the LWPOA Business Office a completed LWPOA Building Permit Application with all required documents attached. All of these requirements must be properly completed and attached to process the application. Should any items be missing or incomplete, delay in processing the application will occur.

**Note:** *No construction may begin until the application is approved and the LWPOA Building Permit issued.*

- **Single Family Dwelling Document Requirements:**

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A copy of the Township Zoning Permit  
A copy of the Township Sewage Permit  
A Site Plan  
Driveway Plans  
Foundation Plans  
Building Plans  
Land Survey  
A copy of the Water Connection Permit

A copy of the Approved Soil Conservation Form  
The LWPOA Building Permit Application  
The LWPOA Driveway Deposit  
Contractor Certificates and Insurance  
Corresponding fees and required inspections

- **Garage Document Requirements:**

A copy of the Township Zoning Permit  
A Site Plan showing all existing buildings  
Driveway Plans  
Foundation Plans  
A copy of the Approved Soil Conservation Form  
The LWPOA Building Permit Application  
The LWPOA Driveway Deposit  
Contractor Certificates and Insurance  
Corresponding fees and required inspections

- **Driveway Document Requirements:**

A Plot Plan  
The LWPOA Building Permit Application  
The LWPOA Driveway Deposit  
Contractor Certificates and Insurance  
Final Driveway Inspection Form  
Corresponding fees and required inspections

- **Sewage System Document Requirements:**

A copy of the Township Sewage Permit  
A Plot Plan  
The appropriate LWPOA Building Permit Application and Fee  
Contractor Certificates and Insurance  
Corresponding fees and required inspections

- **Other Construction Document Requirements:** i.e.: For a shed, deck, patio, bulkhead, boat dock, swimming pool, gazebo, fence, porch, new roof, or playhouse.

A Plot Plan showing all existing buildings  
A copy of the Township Zoning Permit (if applicable)  
The appropriate LWPOA Building Permit Application and Fee  
Contractor Certificates and Insurance

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Corresponding fees and required inspections

**NOTE:** No structures are permitted on lots without a home.

**NOTE:** Bulkheads and Docks require permits from the DEP and the LWPOA.

**18.17 Building Permit Process:** The LWPOA Business Office, upon receipt of the Building Permit Application and applicable attachments, performs the following:

- Reviews the application to assure it is properly completed and that all of the applicable attachments are included and properly completed. If anything is incomplete or incorrect, the application will be returned to the Member for correction.
- Verifies the Member is in good standing and remains in good standing throughout building process. If the Member is not current with charges and fees, the application will be rejected.
- Records receipt of the application fee (inspection fee and deposit fee if applicable).
- Submits the application and attachments to a LWPOA Building Code Officer who performs an inspection of the site plan and adheres to the LWPOA Driveway, Swale and Drainage Ditch Construction Specifications Sheet to determine the driveway pipe size/placement. A review of all of the documents for approval and submission to the LWPOA Business Office also takes place by the Building Code Officer after inspection.

**18.18 Building Permit Application Approved:** Approved Building Permits are issued to the Member and proper copies of the permit are distributed to the contractor, Lake Wynonah Security, and the Building Inspector, with rejected permits being returned to the Member for appropriate actions and re-submittal. The LWPOA Business Office updates the Member records as appropriate.

**18.19 Miscellaneous Building Permit Information:**

- Allow at least two weeks for Building Permit review and approval.
- All LWPOA Building Permits expire six (6) months from date of issue.
- A Building Inspector must inspect all setbacks with proper boundary pins marked by stakes before any concrete may be poured. No cement truck will be allowed entrance to the community until a footer inspection has been completed/approved.
- Several inspections are required throughout the building process. The Member must order inspections directly with a Building Inspector forty-eight (48) hours before being required.
- Building Inspector must inspect and approve of all completed driveways before driveway deposit is refunded.
- Request for a Construction Authorization Extension form is available upon request. Contact the LWPOA Business Office if any construction will not be completed prior to a permit's expiration date. If the extension application is not submitted before the expiration date or if an additional extension is required, a fee may be imposed.
- Driveways must meet all of the requirements as stated on the Lake Wynonah Driveway, Swale and Drainage Ditch Construction Specification Sheet.
- Building Permit signs must be displayed on the lot or building and be

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visible from the road.

**19. GENERAL POLICY FOR CONTRACTORS:** All contractors must obey the rules and regulations of the community. Please contact the LWPOA Business Office for a complete copy of the LWPOA General Policy for Contractors.

**19.1 Contractor Certificates:** All contractors must supply a Certificate of Insurance with LWPOA named as a Certificate Holder. Additionally, contractors must be registered with the Pennsylvania Attorney General's Office and use contracts complying with the requirements of the Home Improvement Consumer Protection Act.

**19.2 Access to Worksite:** Any worker, sub-contractor or delivery person attempting to enter the community should know the lot number of the construction site of the work/delivery. No worker, sub-contractor or delivery person may wander about the community, but rather are to drive directly to and from the site.

**19.3 Speed Limit:** The speed limit in the development is 20 mph. Contractors, workers, sub-contractors, and delivery people may be denied future access to the community or fined for non-compliance.

**19.4 Construction Hours:** Contractors and/or Members shall only work between 7:00 AM and 8:00 PM Monday through Saturday. Contractors are prohibited from working on Sundays or holidays.

**19.5 Construction Equipment Parking:** No construction equipment may be parked or otherwise stored on any lot except when performing work. There is no parking of cars, trucks or equipment on roadways. The use of cones, signage, and other traffic control devices must be used. No overnight parking is permitted other than on the property on which the work is being done.

**19.6 Track Machines:** No unloading steel track machines on paved surfaces. Contractors will be held responsible for damage to Lake Wynonah roads.

**19.7 Overloaded Trucks:** All construction vehicles are prohibited from being overloaded to prevent spillage and damage to the roadways.

**19.8 Construction Debris:** Lots must be made tidy on a daily basis. Contractors must remove all construction debris from the community either by dumpster or by truck. No construction materials may be burned or buried within the community.

**19.9 Violations of the Rules and Regulations:** Non-compliance with the LWPOA rules and regulations for the community or the specific rules and regulations for a contractor, worker, sub-contractor or delivery person, may result in fines or denial of entry into the community.

**20. RENTAL PROPERTIES:**

**20.1 LWPOA Members Renting Property:** Only LWPOA Members in good standing within Lake Wynonah may rent their community home within certain parameters:

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- Only improved properties with a dwelling may be rented.
- Unimproved/vacant lots may not be rented.
- A home may not be divided to create more than one family dwelling.
- Rooms may not be rented as this is a zoning violation.
- The LWPOA Business Office must be notified when a Member makes the decision to lease a property containing a home.
- Members who rent property within the Lake Wynonah community must come to the LWPOA Business Office and provide their Lease Agreement along with the Application for Tenant Status in LWPOA form, as well as a check for one half of the current Annual Dues plus the current processing fee. The Tenant(s) must be present along with the Member wishing to rent the home.
- The minimum rental period for a residence within the community is six months.
- The Member who rents property shall be responsible for any and all actions and activities of Tenants as specified in all LWPOA governing documents.

**20.2 Tenant Membership:** A Tenant Membership is available to anyone wishing to rent a residential property from a LWPOA Member who complies with the following:

- Tenant Membership is available only to such persons who have entered into a written agreement to lease or rent from a Member in good standing of the LWPOA.
- A potential Tenant Member shall complete the Application for Tenant Status in LWPOA available at the LWPOA Business Office. The current processing fee must also be submitted at this time.
- Applications and fees for Tenant Members shall be submitted at least ten (10) days prior to the planned occupancy of the residence located within the community.
- A copy of the Application for Tenant Status in LWPOA and Lease Agreement must be submitted to the LWPOA Business Office.
- Tenant Membership dues in the amount equal to 50% of the current annual Membership dues is charged annually to the Member's account as per the date of the Lease Agreement. Unless an Application for Tenant Status in LWPOA is signed and Tenant Membership dues are paid, the Lessee(s) is not classified as a Tenant Member and is not eligible to use any facilities and amenities within the Lake Wynonah community.
- Tenant Membership shall continue for as long as such Tenant resides within the Lake Wynonah community provided the Member pays Tenant Membership dues, fees, fines, and assessments each year and further continues to comply with all the rules and regulations of the LWPOA.
- Tenant Members will receive a non-transferable identification card that shall be issued to each Tenant and associated occupant(s) of the same household as listed on the Application for Tenant Status in LWPOA.
- Tenant Membership is non-transferable and shall not be subject to transfer

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and shall not be non-assignable.

- A Tenant Member in good standing and any associated occupant(s) are entitled to all appropriate benefits and privileges afforded LWPOA Members, as specified in the By-Laws of the Association, **except for Member voting rights**. These individuals are subject to all appropriate conditions and stipulations of the LWPOA By-Laws and all rules and regulations created by resolution of the Board of Directors.
- Violations by a Tenant Member or any associated occupant(s) of any LWPOA governing documents will be subject to action by the Board as appropriate, including suspension or revocation of Tenant Member status. Suspension or revocation forfeits all paid Tenant Member fees.

**NOTE:** LWPOA rules allow Members in Good Standing to lease or rent a dwelling for a term of not less than six months. LWPOA rules prohibit renting or leasing a room or part of a dwelling or a vacant unimproved property. Members must notify the Business Office in advance and complete all required documents. The Member is responsible for the actions of a Tenant. A Tenant is a person who has entered into a written lease agreement for a term of at least six months with a Member in Good Standing, submitted an Application for Tenant Status to the Business Office, and pays the annual Tenant Membership Fee (50% of the Annual Dues). A Tenant has the same privileges as a Resident, that is, to use the amenities and facilities, to obtain a gate access card, and to apply for a Social Membership at the Lodge.

## 21. VIOLATION AND FINES:

### 21.1 LWPOA Violation Schedule and Fine Table

- Authority:** The UPCA gives the LWPOA the authority to levy fines against Members for violations of the LWPOA Governing Documents which consist of the By-Laws, Deed Restrictions, and the Membership Handbook (Rules and Regulations) of the Association. Contact the LWPOA Business Office for the latest version of the Governing Documents and the LWPOA Violation Schedule and Fine Schedule.
- Violation Schedule:** The Violation Schedule lists the actions which the LWPOA BOD has determined constitute a violation of the LWPOA Governing Documents. Such violations include but are not limited to: motor vehicle violations, disobeying a Security Officer, watercraft violations, construction violations, Deed Restriction violations, inappropriate behavior and common area violations.
- Fine Table:** The monetary or other fines for alleged Violations are assessed as per the Fine Table. Fines are posted to a Fine Log in the Business Office but are not assessed to a Member's account until the appeal period for the alleged Violation has closed, or, if the violation is appealed, until the appeal process is complete.
- Violation Notice:** Members are advised of an alleged violation of the LWPOA Governing Documents via a Violation Notice. See Section 22.1 below.
- Fine Notice:** Members are advised that a Fine is to be assessed via a LWPOA Notice of Fine. See section 21.3 below.
- NOTE:** A parent or guardian must accompany a person under the age of 18 to any meeting concerning Violations, Fines, or Appeals. Members are responsible for guests, residents, tenants, and contractors. Notices will be sent to Members and fines will be assessed to the Member's account.

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### **21.2 LWPOA Violation Notice Process and Timelines:**

- a. The LWPOA will provide a Violation Notice to the Member for any alleged violation of the Governing Documents that warrants a fine or other penalty. The Violation Notice will be mailed to the Member's address of record via U. S. First Class Mail.
- b. A Member has thirty (30) days from the date of the Violation Notice to either:
  1. Correct the Violation (if possible) and advise Security. Failure to provide credible proof that corrective or remedial action is underway or to diligently pursue the corrective or remedial action will result a Notice of Fine; or;
  2. Contact the LWPOA Business Office to schedule a meeting to discuss and be heard on the Violation Notice before a fine is levied/assessed. A scheduled appointment is necessary for any meeting to discuss and be heard on a Violation. Normally, Security and the Community Manager will attend. An appointment may be scheduled with the Business Office (in person or via telephone).
  3. Failure to correct the Violation, or schedule a meeting to discuss and be heard on the Violation Notice within thirty (30) days of the date of the Violation Notice may result in a fine as provided for in the Violation Schedule and Fine Table.

### **21.3 LWPOA Notice of Fine Process and Timelines:**

- a. Following the issuance of a Violation Notice, if the Member (i) fails to correct or remedy the Violation; or (ii) meet to discuss and be heard on the Violation and a decision is subsequently made by the LWPOA to levy/assess a fine against the Member on the Violation, the Business Office will issue a LWPOA Notice of Fine. The Notice will be mailed to the Member's address of record via U. S. First Class Mail.
- b. The Business Office will provide Members with a copy of the Membership Handbook Sections 21 and 22 and an Appeal Hearing Request form with each Notice of Fine.
- c. A Member has 30 days from the date of the Notice to either:
  1. Pay the fine, or;
  2. Pay a twenty-five dollar (\$25) Administrative Fee and request a hearing by the LWPOA Appeals Committee using the Appeal Hearing Request Form. The Administrative Fee is refunded if the Appeal is successful
  3. For Group 5 Violations that are not resolved or remediated as provided for herein, the progressive fine structure will be suspended during any appeal process. The progressive fine structure will resume or restart following an unsuccessful appeal.

## **22. APPEALS COMMITTEE/APPEALS PROCESS:**

**22.1 Purpose:** The purpose of the appeal process is to provide an opportunity for a Member to dispute a Violation Notice and Fine.

### **22.2 Membership on the Appeals Committee (Committee):**

- a. The Board of Directors shall, at their discretion and from time to time, appoint Committee

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members, a Chairperson, and alternate Chairperson (to act for the Chairperson when necessary). Members shall serve until resignation or removal by the Board of Directors.

- b. Members of the Committee shall be in good standing. There shall be no less than 3 (three) members. Members may self-nominate by submitting their name to the LWPOA Business Office. Candidates with a current Violation Notice or Notice of Fine or having either within the previous six (6) months of submission date are not eligible. For the purposes of this paragraph, the “date” of the Violation is the date of complete and/or final payment of the Fines associated with the Violation. Members may self-nominate six months thereafter. Members of the LWPOA Board Directors shall not serve on the Committee during their term; however, in the event the Appeals Committee cannot obtain a quorum for a hearing (not less than three (3) Committee members), the President of the Board of Directors may assign a Director to the Appeals Committee for that meeting.

### 22.3 Appeals by Members:

- a. To appeal a Violation or Fine before the Appeals Committee, a Member must first pay the Administrative Fee and request a hearing using the Appeal Hearing Request Form within the time period provided herein.
- b. To appeal a decision of the Appeals Committee to the Board of Directors, a Member must request a hearing using the Appeal Hearing Request Form within fifteen (15) days of either 1) the date of the letter from the Appeals Committee with its decision on the original appeal, or; 2) the date of hearing on the appeal was adjourned without a decision.
- c. Should the Appeals Committee or the Board of Directors rule in favor of the Member, and if the Member previously paid a fine for that Violation, the administrative fee and fine will be refunded (or credited) within 20 days.
- d. An appeal to the Board of Directors allows the Board to re-examine the Violations and Fines considered by the Appeals Committee. The Board may reinstate or reconsider Violations or Fines imposed or dismissed by the Appeals Committee.
- e. Members waive their right to a hearing by the Appeals Committee and/or an appeal to the Board of Directors should they fail to strictly comply with the stated timelines or payment requirements, or fail to appear for a scheduled hearing.
- f. Members may postpone a scheduled hearing one time only, provided the Member provides the Business Office with not less than 24 hours’ notice prior to the date and time of the scheduled hearing.
- g. A Member who misses a scheduled hearing or arrives more than fifteen (15) minutes late will be considered ‘failing to appear’. In the case of failing to appear, the findings and determination of the Appeals Committee (or, as applicable, the Board of Directors) will be based on the available record and become final with no further right of appeal.

### 22.4 Scheduling an Appeal Hearing:

- a. **For the Appeals Committee:** The Business Office shall schedule Appeals Committee hearings. Hearings will be held in the evening on the first (1<sup>st</sup>) and third (3<sup>rd</sup>) Tuesday of each month at thirty (30) minute intervals. The Business Office will notify all Committee members as hearings are scheduled.



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- b. **For the Board of Directors:** The Business Office is responsible for scheduling hearings before the Board of Directors. The parties will agree upon hearing dates.

**22.5 Pre-Hearing Protocol:** It is the responsibility of the Committee members who are not able to attend a scheduled hearing to notify the Business Office as soon as possible. The Business Office will make information packets available to the Committee chairperson at least one week prior to the scheduled hearing. The Committee chairperson will distribute these packets to Committee members at the start of the scheduled hearing. After reviewing the information, any Committee member having a conflict of interest shall notify the chairperson at this time. All Committee members are required to keep all questions and discussions within the scope of the appeal. All participants shall keep the proceedings confidential.

### **22.6 Request for a Meeting or Appeal Hearing:**

- a. A Member may schedule a meeting with Security and the Community Manager to discuss and be heard on a Violation before a fine is levied/assessed by notifying the Business Office within the time frames listed above.
- b. To contest a Notice of Fine and request an Appeals Committee hearing, the Member shall use the Appeal Hearing Request form and shall identify the preferred dates for the hearing. The Member shall submit one or more preferred dates, provided that the selected date or dates are at least ten (10) days in the future and the selected dates are not more than forty-five (45) days from the date of receipt of the Violation Notice.
- c. To request an appeal to the Board of Directors, the Member shall use the Appeal Hearing Request form. The date of the Board of Directors' hearing is subject to agreement by the parties. The request for a hearing by the Board of Directors shall be made not later than fifteen (15) days after 1) the date of the Appeals Committee determination, or; 2) the date of adjournment of an Appeals hearing without findings or determination.
- d. Failure to strictly comply with scheduling timeframes will result in loss of appeal right.

### **22.7 Conduct of Appeal Hearings:**

- a. At all times, courtesy and order will be maintained.
- b. Hearings are not open to the community and only those persons directly involved in a particular hearing are allowed in the room. A parent or guardian must accompany any person under the age of 18. Members are responsible for guests, residents, contractors and tenants.
- c. Hearings may be recorded with notice to and consent of all parties. Recordings may be used during deliberations by the Appeals Committee or by the Board of Directors and will be erased following such deliberation(s).
- d. All parties agree that no recording will be used in any way to discriminate, retaliate, or to harm any person, any Member or Resident, the LWPOA, its employees and agents, the Appeals Committee, the Board of Directors, Security, the Business Office, or the Appellant.
- e. At any time, if the Committee chairperson is unable to maintain order, the proceeding will be adjourned. Future Appeals Committee hearings for that violation or fine/penalty will not be conducted. The Member may request an appeal to the LWPOA Board of Directors within fifteen (15) days of the adjourned Appeals Committee hearing.
- f. At any time, if the President or presiding officer of an appeal hearing to the Board of

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Directors is unable to maintain order, the proceedings will be adjourned. The Board of Directors will make a determination based on the available record with no further right to appeal.

- g. At the beginning of each hearing, the chairperson shall summarize the alleged violation(s) and fines.
- h. The LWPOA representatives involved will present the facts and evidence in support of the violation with all questions being directed through the chairperson.
- i. Following the presentation by the LWPOA representative(s), and a question and answer period, the Member may present their case, witnesses, evidence and defense.
- j. All parties shall have an opportunity to cross-examine witnesses.
- k. Once both parties have completed presentation of the facts, the chairperson shall adjourn that hearing and clear the room. The committee will vote on the hearing just finished.
- l. The Chairman will call in the parties to the next appeal.

### **22.8 Appeals Committee and Board of Directors Deliberations and Rulings on Appeals:**

- a. The Appeals Committee (or, as applicable, the Board of Directors) will follow the appeals process described in 22.6 above, and hold deliberations and make rulings in private. The chairperson usually will refrain from voting but may vote to break a tie.
- b. All recommendations require a majority vote of those present.
- c. Committee rulings are limited to either upholding in full or dismissing the violation or fine that is the subject of the appeal.
- d. The Committee's findings and determination notice to the Member shall include a notice of the right to appeal the ruling to the Board of Directors, provided such appeal is submitted within fifteen (15) days of the date of the Committee's notice.
- e. Each violation shall be treated as a stand-alone infraction.

### **22.9 Additional Information:**

- a. When conducting appeal hearings, the Appeals Committee (or, as applicable, the Board of Directors) may choose, at its discretion, to collect additional information. The decision to collect additional information must be agreed to by a majority of the Appeals Committee members present at the meeting (including the Chairperson).
- b. At the discretion of the Appeals Committee, its deliberations and final recommendation may be postponed for up to seven (7) business days from the original hearing date in order to collect additional information.

### **22.10 Recommendations:**

- a. The Chairperson must inform the Business Office, in writing, of all Committee decisions, rulings and recommendations no later than two (2) business days from the hearing date, unless additional time is required for fact-finding as per section 22.8 above. The Business Office shall then forward the rulings and recommendation(s) to the LWPOA Board of Directors President.

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- b. The Member will be informed of the final decision of the Appeals Committee within ten (10) days of the date of the hearing. In the event of additional fact finding, the notice shall be within seventeen (17) days from the date of the hearing. No monetary reimbursements will be made until the final appeal deadline has passed. Any monetary reimbursements shall be made or credited to the Member's account within twenty (20) days after the final appeal deadline has passed.

**22.11 Legal Representation:** The LWPOA appeals process is intended for resolving disputes without involving legal counsel. If a Member wishes to retain legal counsel, he/she may do so but counsel will not be permitted to attend the appeals proceedings. Provided, however, that Appellant must provide at least ten (10) days' notice to the LWPOA Business Office that Appellant intends to be accompanied by Legal Counsel at the Appeals Hearing. The LWPOA reserves the right to postpone the Hearing should Legal Counsel represent or accompany Appellant.

**23. ALTERNATIVE DISPUTE RESOLUTION:** The following shall apply to the LWPOA and/or its Members as it relates to "Alternative Dispute Resolution":

### 23.1. Definitions:

(a) "Alternative Dispute Resolution". A procedure for settling a Dispute by means other than litigation. As used herein, the Alternative Dispute Resolution procedure to be utilized shall be limited to Non-Binding Mediation.

(b) "Dispute".

(i) For Disputes between Members and the LWPOA, a "Dispute" is a claim or grievance arising out of or relating to the interpretation or application of the Deed Restrictions, By-Laws and/or the Membership Handbook (Rules and Regulations of the Association).

(ii) For Disputes between two or more Members, a "Dispute" is a claim or grievance arising out of or relating to any issue.

(c) "Non-Binding Mediation". A voluntary process where the parties meet with a mutually selected, qualified outside mediator or community mediation organization to assist them in the resolution of their Dispute. Costs and fees associated with Non-Binding Mediation, excluding attorneys' fees, shall be assessed equally against all parties to the Dispute. The LWPOA shall maintain a roster of outside mediators and community mediation organizations that are qualified to perform Non-Binding Mediations and shall provide it to any Member upon request. Non-Binding Mediation as provided herein shall:

(i) Be limited to Disputes where all parties agree to participate;

(ii) Be initiated by a written request by one of the parties to the Dispute to the other party/parties; and

(iii) Occur within ninety (90) days of the written request.

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**23.2. Disputes Between Members and the LWPOA:** A Dispute between a Member or Members and the LWPOA may, upon the written request of any such Member or Members and/or the LWPOA, be submitted to Non-Binding Mediation. The party requesting the Non-Binding Mediation shall be responsible for contacting the mutually agreed upon mediator or community mediation organization to set up the Non-Binding Mediation.

**23.3. Disputes Between Two or More Members:** A Dispute between two or more Members may, upon the written request of any such Member, be submitted to Non-Binding Mediation. The party requesting the Non-Binding Mediation shall be responsible for contacting the mutually agreed upon mediator or community mediation organization to set up the Non-Binding Mediation.

**23.4. Right to Private Cause of Action or Other Relief:** No Member or the LWPOA shall be precluded from pursuing a private cause of action in court or seeking other relief to resolve any Dispute.

