

## **Bylaws & Covenants**

04-01

3/31/04

By Laws Covenants

Any existing or future Penn Forest Township, Carbon County or Pennsylvania State Ordinance will be enforced by that governing body and the Jonas Mt. Property Owners Association Board will not expend any funds to assist or duplicate this enforcement effort. The Board may assist in identifying and highlighting a potential violation to the proper governing body, but will not seek legal assistance to resolve the problem.

The following ordinances that are presently governed by the above mentioned authorities are:

Sheds, Signs, Outdoor swimming pools, Fences, and "Pa Leash Law"

In the event of an "unusual", "new" or "emergency situation" that occurs on any of the above listed ordinances; the Board may take additional action after approval by a majority vote of all the property owners.

The following Jonas Mountain restrictions that are not duplicated by any of the governing bodies may be enforced by the Board, after any Association member highlights a potential violation, in writing to any officer and / or board member. The Board will then discuss and take appropriate action, based on a majority vote.

5. No lot in the development shall be used or maintained as a dumping ground for rubbish, trash or garbage. Trash, garbage or other waste shall be kept in sanitary and clean containers, and such refuse material shall be removed from the premises on a reasonably frequent basis.

6. No animals, livestock or poultry of any kind shall be kept on the premises, except that a common household pet, such as a dog or cat may be kept, provided it is not kept, bred or maintained for commercial purpose.

10. No unlicensed vehicle and no vehicle which is inoperative for a period in excess of thirty (30) days shall be kept on the premises unless it is placed completely in an enclosed garage.

The following restriction was NOT intended to eliminate licensed "travel trailers" from being kept on lots. In addition, licensed utility trailers, boat trailers, etc. are permitted to be kept on lots. This does not need further clarification, since PA case law has defined "travel trailers" as motor vehicles.

No single or double-wide mobile homes, no unapproved modular homes, and no trailers or house trailers shall be permitted to be placed upon the premises or used for residential purposes.

04-03

4/28/04

By Laws Covenants

Changes were made to the following By Laws to correct typos, incomplete sentences and/or confusing statements. These changes did not alter the intent of the By Laws or the overall operation of the POA. The exact changes are recorded in the Board minutes of April 28, 2004. Sections: 1.02, 2.05, 2.09, 3.09, 4.01, 4.02, 6.04, 9.01 and 11.09.

06-02

3/13/06

By Laws Covenants

No chain link fencing nor any fencing over four feet high may be installed on any member's property in the area between the front of a house and the roadway. Any fencing in this area must be aesthetically pleasing and must be approved by the JME POA Architectural Control Committee. Existing fences as of March 13, 2006 are exempt from this rule. Rescinded at annual POA meeting of June 24, 2006

06-03

7/22/06

By Laws Covenants

No property owner shall alter any drainage swale by decreasing the channel depth or changing the design or direction of flow. Any alterations must be corrected within 30 days of notification by the POA. Any un-remedied alterations or obstruction may be remedied by the POA and the property owner shall be liable for reimbursement to the POA for such expense.

08-04

6/19/08

By Laws Covenants

Property owner's front yard fences are restricted to less than four feet high.

08-05  
6/19/08  
By Laws Covenants

The total of the outbuildings are restricted to less than half the footprint of the residence with a one story limit.

09-03  
11/7/09  
By Laws Covenants

Revision of Resolution 08-05: The total of the outbuildings and detached garages on a member's property are restricted to less than half the footprint of the residence with a one story limit. Rescinded May 8, 2013.

13-01  
5/8/13  
By Laws Covenants

The total of outbuildings or detached garages on a member's property is restricted to less than 1/2 the square footage of one level of the largest living space within the residence. The garage or outbuilding is restricted to one story. Rescinded on 11/03/16.

16-02  
11/3/16  
By Laws Covenants

The total of outbuildings and detached garages on a member's property is restricted to less than 1/2 the square footage of one level of the largest living space within the residence. The garage or outbuilding is restricted to one story.

## **Construct Permit**

03-03  
8/5/03  
Construct Permit

A deposit of \$ 1,000 will be required for any construction in JonasMountain and a refund of \$ 650 will be issued if there are no specific damages to the roads and no site clean up problems.

03-06  
9/9/03  
Construct Permit

Until a defined procedure is approved by the board, for the Architectural Review of new house plans, it was agreed to have Greg Magill require the lot owner or builder to submit the same documentation as the Township requires for the building permit. A review of the plans would be undertaken and approved primarily based on the minimum square footage of living space of the home. This decision should be made by the 3 members of the Committee and notification given to the lot owner or builder within 10 days.

03-07  
10/8/03

Construct Permit

The roads committee shall; upon receipt of written request for final inspection by any permittee or authorized agent of said permittee, submitted with copy of certificate of occupancy which has been endorsed by the appropriate township official, review all roadways or common property having been subjected to construction vehicles/traffic during the construction period. Should there be any damage to common property, the road committee will notify the board of directors of said damage, document any damages by any means available; including but not limited to photographs of the site, and submit this evidence to the board of directors. Upon review by the board of directors, a letter will be sent to the permittee indicating their findings along with any refund deemed appropriate at that time, any monies not refunded will be transferred to the operations account. Should no damage be found, the road committee chairperson shall contact the treasurer to initiate refund of the entire amount escrowed at the time of permit issuance.

03-09  
11/12/03  
Construct Permit

Jonas Mountain Construction Permit Review Procedure

The Architectural Control Committee must review and approve any new house construction in the Jonas Mountain Development using the following procedure. Applicants must supply the standard house plans that are required for the Penn Forest Township Building Permit.

- 1) Ensure house has minimum sq. ft. of living space: 1250 sq. Feet for single level and 1600 sq. feet for two or more story houses. Basements are not to be considered.  
 The minimum sq. ft. requirement is contained in Restriction # 8)  
 Note: Penn Forest Building permits record total sq. ft. of the total house – including garage.  
 Ensure that the living Sq. ft. is = > than minimum.  
 Make applicant aware that Penn Forest has Zoning and any sheds, fences, pools, etc. must comply with Penn Forest Zoning requirements. See:  
 Restriction #2.
- 2) Make applicant aware of the Restrictions # 11:  
 No single or double-wide mobile homes, no unapproved modular homes, and no trailers or house trailers shall be permitted to be placed upon the premises or used for residential purposes.  
 Any building constructed with cement blocks shall be finished in such a manner that the exterior of the building does not reveal the facing of such cement block or concrete block.
- 3) Make applicant aware of ALL 18 Restrictions that have been recorded :  
 Recorded in Carbon County, January 22, 1990, Vol. 063 p. 49  
 Give applicant a copy of the existing restrictions – if applicant does not have a copy
- 4) Make applicant aware of the following:  
 A Property Owners Association exists and there are yearly, required fees to assist in road maintenance. Currently these fees are \$ 100 / year for Maintenance and \$ 200 / year for Capital Improvement fund for the Roads: 2004 – 2008 on all Homes.
- 5) Collect \$ 1000 deposit – have check made payable to "Jonas Mountain Property Owners Association".
- 6) Give applicant copy of: Resolution 2003-07 / Re: Refund of Construction Permit Escrow Funds – that explains the refund requirements of the deposit. Notify applicant that decision on Construction Permit will be sent within 10 days.
- 7) Architectural Control Committee will review all above and reach decision on a majority vote. If the proposed house is in compliance, an "Approval Letter" will be issued by Architectural Control Committee Chairperson and sent to both the Builder and Lot Owner.  
 If the House is found not to be in compliance, the Board of Directors will be notified of the Architectural Control Committee's reason and a final decision will be made by the Board of Directors.

A Decision must be made within 10 days after receiving the Application and required deposit.

09-01

4/16/09

Construct Permit

Plans for any outbuildings, detached garages or fences must be reviewed and approved by the JME POA Architectural Control Committee before any construction commences. Two signatures are required from either committee or Board members. There will be no permit fees.

09-04

11/7/09

Construct Permit

In addition to Resolution 09-01, the Architectural Control Committee will request to see building permits from the township and will inform the homeowner of the POA rules and enforcement policy. Rescinded July 13, 2010.

10-03

7/13/10

Construct Permit

Revision of Resolution 09-01: Plans for any outbuildings, detached garages or fences must be reviewed and approved by the JME POA Architectural Control Committee including building permits from the township before any construction commences. Outbuildings will be reviewed for footprint size consistent with Resolution 09-03. Two signatures are required from either committee or Board members. There will be no permit fees."

## **Directors Officers**

03-01 8/5/03

Directors Officers

This resolution was to appoint all Committee Chairperson's to the Board of Directors. Since the only Committee that had an elected chairman was the Maintenance committee, Bert Bayer was appointed to the Board of directors.

## Finance/Fines

03-04  
8/5/03

### Finance/ Fines

A single bill, showing both the \$ 100 Standard Road Maintenance fee and the \$ 200 Road Improvement Fee will be sent out in February with payment due by March 31, 2004

03-08  
10/8/03

### Finance/ Fines

Any and all Escrow Funds shall be kept in a separate savings account designated for such purpose. Any interest earned on said account will be transferred once annually to the operations account. These monies will help to defray operational expenses such as postage, printing, bank fees, etc. No interest shall be paid, refunded, rebated, discounted or otherwise returned to any permittee for any monies kept in escrow by the JMPOA for any purposes. All refunds shall be issued within 45 days following receipt of written request for release of funds by the applicant or duly authorized agent thereof.

04-04  
9/27/04

### Finance/ Fines

A letter to collect dues will be sent to all homeowners at the beginning of the year. March 1 is the due date for payment of dues. The homeowners will be notified in this letter that any dues not received by March 1 will receive a 15% late charge. Any dues not received in full by March 15th (grace period) will be assessed a 15% late fee, and the homeowner will receive a follow up letter. This letter will state that if the total of the dues (dues amount and late fee) is not received within 90 days, legal action regarding collection of dues will be taken by the board. This process will be outlined in the initial letter notifying homeowners that it is time for dues to be paid.

In order to make judgments against any delinquent homeowner, the board needs to file paperwork with the county seat in Jim Thorpe. A judgment notice will be sent by the court to the home owner indicating the right to appeal. Since the POA invariably wins these cases, we can either appropriate items from the home owner's property to pay the fine and/or file for a lien. This will help us to continue to go after the monies as well as ensure that if the property is sold; all unpaid dues are made a part of the sales agreement.

05-04  
4/20/05

### Finance/ Fines

#### Jonas Mountain Estates Enforcement of Rules and Regulations

A violation of the Jonas Mountain Estates Property Owner's Association (JMEPOA) Rules and Regulations may result in the payment of fines, damages, suspension of voting privileges and any legal fees expended by the JMEPOA to collect sums for damages and/or fines. Any fine imposed by the Board of Directors for a violation of the Rules and Regulations shall be considered a charge against the property owner. POA members will be responsible for all fines levied against their relatives, guests, tenants and visitors for violations of the rules and regulations of JMEPOA.

Upon notice of a violation, the following actions will be taken:

1. A phone call notification will be made to the alleged violator specifying:

- the alleged violation,
- the action required to correct the alleged violation, and
- a time period of not less than ten (10) days during which the alleged violation may be corrected without penalty.

2. If the phone call cannot be made or the violation remains uncorrected after verbal notification, a written notice of violation will be served by hand or certified mail specifying:

- the alleged violation,
- the action required to correct the alleged violation,
- a time period of not less than ten (10) days during which the alleged violation may be corrected without penalty; however, if verbal notification was made, the time period for correction is reduced to five (5) days, and
- the penalty for not correcting the alleged violation within the specified time period.

3. If the same rule is subsequently violated, a written notification will be sent as above by hand or certified mail, but only five (5) days will be allowed for the violation to be corrected before an additional penalty is imposed. Third and subsequent violations of the same rule will incur additional penalties immediately.

4. Repeated intentional separate incidents of rule violations during a correction time period will be considered as subsequent violations of the same rule and be subject to higher fines.

5. If a violation is not corrected within the required time period, then the stated penalty is due within thirty (30) days of receiving written notification of the violation or, if a hearing was requested as per item #5 below, the stated penalty is due within ten (10) days of receiving a decision from the Rules Enforcement Committee that a penalty is due.

6. If a cited member requests a hearing by written letter to the Rules Enforcement Committee within thirty (30) days of being notified of an alleged violation, then the Rules Enforcement Committee will schedule a hearing and provide written notice of such hearing to the member cited. Proof of notice shall be deemed adequate if a copy of the notice, together with a statement of the date and manner of delivery is entered by the officer, Director, or agent who sent the notice. The notice shall specify:

- the time and place of the hearing which shall not be less than ten (10) days from the giving of the notice and
- an invitation to attend the hearing and to produce any statement, evidence and witness on behalf of the cited member.

The written results of a hearing and penalty imposed, if any, will be transmitted to both the member cited and to the Board of Directors. The decision of the Rules Enforcement Committee shall be final unless the Board decides to review the decision at its next scheduled board meeting.

The penalty for rule violations will be \$100 for the first violation, \$200 for the second violation of the same rule and \$500 for any further violations of the same rule within a twelve (12) month period. Administrative, legal and court costs for collection and processing will be added to a fine. If payment of a fine is not paid in the time periods specified above, an additional charge of 15% per year applied monthly will be added to the penalty. Legal action regarding collection of fines and related costs will be taken by the Board of Directors which will result in a judgment against the property owner.

POA voting privileges will be suspended for any member who has outstanding fine(s).

A temporary exception to a rule may be granted if there is sufficient cause and for which documented approval is obtained from a JME Director in advance.

The Rules Enforcement Committee will be appointed by the Board of Directors and will consist of at least one Director and at least two JMEPOA members in good standing who are not Directors of the POA. The committee will be no larger than four members.

05-05

5/10/05

Finance/ Fines

Board approval at a meeting which has a verified quorum must be obtained before any Board member authorizes the expenditure of JMEPOA monies in the amount of \$500 or more. All authorized payments will still require Board review. The expenditure of POA funds must be for the benefit of the POA and not for any personal gain. Any person who knowingly or unknowingly violates this resolution is subject to immediate suspension from any and all positions within JMEPOA, whether position is a hire or volunteer, until a thorough review and recommendation can be made by the Board of Directors.

05-06

6/14/05

Finance/ Fines

Any lot owner with an outstanding balance of dues, fines or fees owed to the Jonas Mountain Estates Property Owners Association will have their account turned over to a collection agency after 60 days of the payment due date. At that time, the lot owner will become responsible for all balances owed to JMEPOA, including late fees, if any. Collection agency fees are additional, and are the sole responsibility of the lot owner. (see

05-07

6/14/05

Finance/ Fines

Annual Road Maintenance dues will be due on January 31st of each year. A reminder notice regarding annual dues will be sent, via mail, to every lot owner no later than November 30th of the previous year. Late fees will be added to any balances not received by January 31st. A second reminder notice will be sent out on February 15th for all lot owners with balances, including all late fees. If payment is not received within 60 days of January 31st (April 1st in non-leap years, March 31st in leap year), the balance will be forwarded to a collection agency for immediate action. At that time, the lot owner will become responsible for all balances owed to JMEPOA, including late fees if any. Collection agency fees are additional and are the sole responsibility of the lot owner.

06-01

3/13/06

Finance/ Fines

A Judgment will be placed against a member after they have received a second notice of late dues. A collection agency will not be used. For 2006 dues, on or about April 15, 2006 one additional letter will be sent certified mail for the collection of dues and if the dues are not paid, a judgment will be made against the member.

10-02

7/13/10

Finance/ Fines

An audit of the POA financial books will be performed by two members of the POA with results reported to the board.

10-04

10/5/10

Finance/ Fines

POA bills will issue in late Nov stating that dues of \$300 (\$35 for vacant lots) are due by Jan 31 of the following year. After that a 15% penalty will be added to the total owed and if this is not paid by April 30, legal proceedings will follow to collect the unpaid balance.

11-01

3/10/11

Finance/ Fines

Kathy Reiner, Website Manager, is authorized to spend up to \$135 for three years of web hosting for the POA

11-03

7/27/11

Finance/ Fines

Amend Motion 05-05 made in May, 2005 to allow payments which may exceed \$500 for POA insurance, snow plowing/cindering and road maintenance to be paid with just email notification to the board before payment is made

11-04

7/27/11

Finance/ Fines

1) change the due date for POA dues and other unpaid balances from Jan 31 to April 30, 2) continue to send out bills to POA members by Nov 30 of the prior year and 3) continue to offer no installment payment plan options.

## **Pets**

05-03

4/20/05

Pets

All dogs must be confined to the owner's property and must be walked on a leash. Every Jonas Mountain Estates homeowner is responsible for any damage caused by their pet. It shall be the duty of the pet owner to pick up and remove in its entirety any excrement from said animal from Jonas Mountain Estates roadways, easements, shoulders, common property and other member's private property.

Further, any animal which barks, bays or makes any other noise intermittently or continuously for a period of ten (10) minutes or more to the disturbance of any person at any time of the day or night regardless of whether the animal is physically situated in or upon private property is prohibited.

## **Roadways**

03-02

8/5/03

Roadways

All construction related vehicles in excess of ten (10) tons in gross weight or greater than two axles are prohibited from entering the Jonas Mountain Development during freeze/thaw conditions. This prohibition begins November 15 (changed to December 1 at annual POA meeting of 6/26/04) and ends March 31 or longer if a sign to this effect is posted at the entrance. Violations of this policy will result in forfeiture of the security deposit.

03-05

9/9/03

Roadways

A letter, suggesting a modified road closure policy, would be sent to Wendy. The highlights of the letter would indicate that some exceptions could possibly be made for houses already under construction and evaluated on an updated plan of heavy traffic. This plan would be generated by Wendy in mid November and would show the number of heavy trucks still required for the next several months. The board would then evaluate this schedule and determine whether this additional traffic would be allowed.

We would also indicate that there will be definite closure in the March / April time frame and will be based on the current "freeze state" of the roads. We should also indicate that this policy would be more difficult to modify for the 2004 – 2005 winter season

George and Jay will construct a letter for communication to Wendy of Sunrise Builders.

04-02

3/31/04

Roadways

No overnight parking of any motor vehicle, (car, truck, motor home, travel trailer, tractor-trailer, motorcycle, etc.) is allowed on any Jonas Mountain Roadway.

No personal property (basketball-basket support, lawn tractors, items for sale, etc) can be left on any Jonas Mountain Roadways overnight.

The Jonas Mountain roadway is defined as the 20 feet wide paved roadway and 10 feet shoulder on each side of the paved roadway. This is a total of 40 feet.

Note: The actual Jonas Mountain roadway is 50 feet wide and all lot owner's property starts at the edge of this 50 foot "right of way".

04-05

11/22/04

Roadways

A gate will be installed at the roadway between the Jonas Mountain Estates and Valley View Estates. This gate will be locked, with a key being retained by both the board members of Jonas Mountain Estates and Valley View Estates and the Fire Department ONLY. Jonas Mountain Estates Maintenance committee will research and find the gate to be used, and the cost will be split between both developments.

04-06

11/22/04

Roadways

Modification to Resolution 04-02 second sentence:

No personal property (basketball-basket support, lawn tractors, items for sale, etc) can be left on any Jonas Mountain Roadways during the day or overnight.

05-01

4/20/05

Roadways

Modification to Resolution 04-02 second sentence:

No personal property including but not limited to basketball basket hoops, sporting equipment, items for sale, etc., may be USED or LEFT on any Jonas Mountain Estates roadway at any time.

05-02

4/20/05

Roadways

All ATVs, dirt bikes and go-carts are prohibited on Jonas Mountain Estates roadways, easements, shoulders and common property.

07-02

9/15/07

Roadways

No vehicles (car, truck, motor home, travel trailer, tractor-trailer, motorcycle, etc.) are allowed to be parked on any Jonas Mountain Estates Roadway during hunting season with the following exceptions:

Waiting for the school bus to arrive in the vicinity of the bus stop  
In front of a member's property if invited to do so  
In front of a construction site if part of the construction process  
Emergency or law enforcement vehicles  
Permission obtained from any JMEPOA Director

Vehicles parked illegally will be towed away at the vehicle owner's expense.

The Jonas Mountain Estates roadway is defined as the 20 feet wide paved roadway and 10 feet shoulder on each side of the paved roadway. This is a total of 40 feet.

Note: The actual Jonas Mountain roadway is 50 feet wide and all lot owner's property starts at the edge of this 50 foot "right of way".

07-03

11/10/07

Roadways

No solicitations by non-members will be allowed in JME POA. A "No Solicitation" sign will be installed at the front entrance.

10-05

10/5/10

Roadways

No lines will be painted on our roadways

11-05

7/27/11

Roadways

Amend resolution 07-03 to only prohibit door-to-door solicitation by non-members.

14-01

9/23/14

Roadways

Applicable to all vehicles; The Jonas Mountain Estates Development has a 25 MPH maximum speed limit on all roads within the development. With regard to all traffic control including stop signs and posted speed limits, all drivers are required to comply or be subject to existing fines of the JMEPOA.

15-01

7/27/15

Roadways

Bus Stop Parking Rule:

to restrict parking to one side of Gower Rd. going south from Jonas Mt. Rd. for those dropping off or picking up children when the school bus arrives. The vehicles can park only on the northwest or Rte 534 side of this section of Gower Rd. The vehicles may park on the roadway, but not so as to prevent other vehicles from easily passing.

15-02

7/27/15

Roadways

Revised Bus Stop Parking Rule:

to prohibit parking along both sides of Gower Rd. heading north from Jonas Mt. Rd. to houses #49 and #562 due to high traffic in this section of the POA. "No parking" signs will be installed in this section.

15-03

9/15/15

Roadways

Revised Bus Stop Parking Rule:

to allow parking along the northwest side and to prohibit parking along the northeast side of Gower Rd. heading north from the Jonas Mt. Rd. mail boxes.

to allow parking along the southeast side and to prohibit parking along the southwest side of Gower Rd. heading south from the Jonas Mt. Rd. mail boxes.

to prohibit parking anywhere along Jonas Mt Rd and to prohibit parking anywhere at the intersection of Gower and Jonas Mt Rds.

Parking on Gower Rd should not prevent the school bus from making its "K" turn.

Vehicles should not park on the grass of a resident's property. A vehicle parked all the way over on one side of the roadway should still allow other vehicles to easily pass. If stones are present on the shoulders, please park one set of tires on the stones. Once you have parked, do not move your vehicle until the bus has left the area.

When you do leave the area, please do not make a 3-point turn to do so. This creates a safety issue.

Please provide supervision for your kids. Do not let children roam freely while waiting for the bus. This creates a safety hazard for both the kids and for vehicles utilizing the entrance.

A clarification map showing "no parking" and "allowable parking" can be viewed

at <http://www.jonasmountainstates.com>. Also, the map will be posted at the mail boxes.

These rules will be effective Monday, September 21, 2015.