

# COMMUNITY P.M.L.E. SECTIONS 5,6,7 ASSOCIATION INC.

## BY-LAWS

### RULES, REGULATIONS AND FEES



Ratified: 1976  
Amended: 1977,1978  
1981, 1988  
1990,1995  
1996, 1997  
2003, 2004  
2006, 2007,2009

## BYLAWS

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# **BY-LAWS**

## **ARTICLE I**

### **CORPORATE IDENTIFICATION**

SECTION 1. NAME The name of this corporation will be P.M.L.E. Section 5, 6, 7 COMMUNITY ASSOCIATION hereinafter referred to as the "Association".

SECTION 2. ADDRESS The address of the Association is Delaware / Lehman Township, Pike County, Pennsylvania.  
(P.M.L.E. SEC. 5, 6, 7 138 Loftus Lane, Dingmans Ferry, PA 18328)

## **ARTICLE II**

### **PURPOSE OF THE ASSOCIATION**

SECTION 1. The purpose or purposes of the Association are:

- A. To ensure the present and future residential living conditions relating to health, safety, public moral, convenience, comfort and beauty on lots in three (3) subdivisions of land in Pike County, Pennsylvania known as Pocono Mountain Lakes Estates - Sections Five, Six and Seven respectively, hereinafter referred to as the "Development" and more particularly described in three (3) deeds to POCONO MOUNTAIN LAKE ESTATES, INC. recorded in the Recorder's Office in Milford, Pennsylvania in and for the County of Pike in the Deed Book as follows:
  - a) Vol. 261 Pg. 981 & 985 March 8, 1972 (Sec. 5);
  - b) Vol. 341 Pg. 115 April 5, 1973 (Sec. 6);
  - c) Vol. 342 Pg. 115 April 5, 1973 (Sec. 7)
- B. The Association, which has been deeded the roads, recreational facilities and common area by the original developer, has the obligation as holder of servient tenements to repair, maintain and clear all roadways in Sections 5, 6 & 7 and maintain the development's lake, beach, trout streams, parks and whatever recreational facilities whose uses all lot owners are entitled by easement.
- C. To regulate, inspect, administer and approve compliance generally with the restrictions and conditions as to the use of said lots and of related facilities, including roads, bridges, right of way and parking areas, all in conformance with the restrictive covenants, subsequent amendments and court decree as described hereinafter in paragraph I. d).
- D. To promote the welfare and recreational interests of the members by providing for the administration, maintenance of such bodies of water, beach facilities, waterfront, lands, trails, parks, recreation areas, docks, piers, buildings and facilities in connection therewith as may come into the control and management of the Association for community purposes, all in conformance with the restrictive covenants, subsequent amendments and court decree as described hereinafter in paragraph I. d).
- E. To regulate and control recreational and related facilities and equipment in furtherance of the general plan of the Association, all in conformance with the restrictive covenants, subsequent amendments and court decree as described hereinafter in paragraph I. d).

- F. To levy fees for the administration and operation of the Association together with Maintenance, Long Term Maintenance, and/or Special Maintenance for the upkeep of roads and security, use of recreational facilities or other projects of the Association where deemed necessary and proper for its purpose, all in conformance with the restrictive covenants, subsequent amendments and court decree as described hereinafter in paragraph I. d).
- G. To engage in such other incidental and related activities so as to carry out the general purposes herein stated, all in conformance with the restrictive covenants, subsequent amendments and court decree as described hereinafter in paragraph I. d).
- H. That all of said purposes shall be conducted upon the premises described in the deeds referred to above in paragraph I. d).
- I. To insure that the restrictive covenants including compulsive membership in this Association as contained in an instrument recorded in the Office of the Clerk of the County of Pike for each section as hereinafter described and any subsequent amendments are adhered to:
  - a) Section 5, March 15, 1972;
  - b) Section 6, April 13, 1973;
  - c) Section 7, May 29, 1973;
  - d) The Court Decree of September 19, 1981 regarding PMLE Section V Community Association by George Guarini and Rose Gurarini, his wife individually Plaintiffs vs. PMLE Sections 5, 6, 7 Community Association Defendants - No. 1 March Term 1977 in the Court of Common Pleas of the 43<sup>rd</sup> Judicial District, Commonwealth of Pennsylvania, Pike County Branch - Civil.
- J. That the Association does not contemplate pecuniary gain or profit, incidental or otherwise, to its members.
- K. The terms of its existence is perpetual.
- L. That the Association is organized upon a non-stock basis.

ARTICLE III  
MEMBERSHIP IN THE ASSOCIATION

SECTION 1. The Association shall be owned and operated by the members thereof which members shall consist of various classes with qualifications, rights and privileges as hereinafter set forth.

SECTION 2. CLASSES OF MEMBERSHIP: There shall be four (4) classes of membership which shall be called the Active Members, Builder Members, Developer Members and Tenant Members. They are defined as follows:

- A. Active Members shall be any person(s) or any business entity who, or which has acquired by deed, or is in the process of acquiring under a contract of purchase and sale, title to one or more lots in the development as defined in Article II, Section 1A.
- B. Builder Members shall be any person(s) or any business entity who, or which, shall have acquired by deed, or is in the process of acquiring under a contract of purchase and sale, title to one or more lots in the development as above described for the purpose of building houses for sale.
- C. Developer Member shall be the POCONO MOUNTAIN LAKE ESTATES, INC. or a legal assignee or successor to the Developer's property which owns acreage and lots in the development hereinafter described.

- D. Tenant Member shall be any person(s) or any business entity who, or which, occupies a dwelling house of another class of member with their consent.

SECTION 3. Nonmembers: In accordance with the Court Decree of September 19, 1981 described hereinbefore, property owners in Section 5 who do not wish to be members of the Association will be called nonmembers.

ARTICLE IV  
DUES (RESCINDED, ANNUAL MEETING 1996)

ARTICLE V  
VOTING REQUIREMENTS AT ANNUAL/SPECIAL MEETINGS

SECTION 1. At any Annual or Special Meeting of the Association, members in good standing shall have the following voting privileges:

- a.) Active members shall have one (1) vote for each plotted land owned, acquired by deed or is in the process of acquiring under a contract of purchase and sale. Each household or business shall specify to the Association in writing a specific individual as its voting member. This may be indicated by the signature on an absentee ballot or registration at the Annual or Special Meeting.
  - b.) Builder members shall have one (1) vote for each plotted lot owned, acquired by deed or is in the process of acquiring under a contract of purchase and sale. The Builder member shall specify to the Association in writing a specific individual as its voting member. This may be indicated by the signature on an absentee ballot or registration at an Annual or Special Meeting.
  - c.) Tenant members shall have no voting privileges.
  - d.) Nonmembers shall have no voting privileges.
- A. A member in good standing shall be one who has paid up all monies due the Association as provided for by the Bylaws and Rules and Regulations forty (40) days prior to the Annual Meeting or any Special Meeting. A member who owes any money to the Association as provided for by the Bylaws and the Rules and Regulations as of that date shall be determined not in good standing and shall not have the right to vote. Any property owner from Section 5 whose Dues and Long Term Maintenance are paid on or before September 10, 1977 will have full voting privileges at the Annual Meeting to be held on September 10, 1977. (Revision 1)
- B. Any member who has acquired by deed or is in the process of acquiring under a contract of purchase and sale more than one plotted lot who owes any money to the Association as provided for by the Bylaws and the Rules and Regulations on any one (1) lot shall be determined not in good standing and shall not have the right to vote.

- C. At the First Annual Meeting only, all active members whose names appear on the tax rolls of Pike County, Pennsylvania as owning a lot or lots in the development shall be determined to be in good standing.

**SECTION 2. PLOTTED LOTS:** Plotted lots are defined as those plots of the subdivision of lands more fully described in the offering statements of Pocono Mountain Lake Estates, Inc. for:

- A. Section 5 dated March 1972
- B. Section 6 dated April 1973
- C. Section 7 dated July 2, 1973

and filed in the Recorder's Office of Pike County, Pennsylvania on the following:

- A. Section 5, Map Book No. 9, pages 128 and 129 both dated February 29, 1972 and subsequently revised on May 8, 1972.
- B. Section 6, Plat Book No. 10, Page 71, dated April 5, 1973.
- C. Section 7, Plat Book No. 10, Page 120, dated June 8, 1973.

**SECTION 3. ABSENTEE BALLOTS:** At all Annual and Special Meetings, absentee ballots shall be permitted. Only signed ballots received by the Association's Secretary at least one day prior to said meeting shall count as a valid absentee ballot.

**SECTION 4. PROXY VOTE:** At the First Annual Meeting only, designation of a member in good standing to cast a proxy vote shall be permitted. Only properly completed proxy statements received by the Association's Secretary at least one day prior to said meeting shall be permitted to vote the proxy.

#### ARTICLE VI ANNUAL AND SPECIAL MEETINGS

**SECTION 1. GENERAL MEMBERSHIP MEETING:** A General Membership Meeting hereinafter called the "Annual Meeting" shall be held at least once per year, during the month of September at a time and place to be set by the Board of Directors. This meeting shall be held within Pike County in the Commonwealth of Pennsylvania.

**SECTION 2. NOTICE:** Written notice shall be given to each member at least fifteen (15) days prior to the Annual or Special Meeting. The notice may be sent by e-mail or mailed via the post office to the address noted on the tax rolls of Pike County, Pennsylvania verified by the Association prior to the Annual Meeting. It shall be the responsibility of the individual member to notify the Association by written communication regarding any change of address. In the event that a proposed amendment to the Bylaws is to be acted upon, said notice will include a summary of the proposed amendment.

**SECTION 3. QUORUM:** A quorum will consist of seven (7) members in good standing present of which three (3) have to be on the Board of Directors. The acts of the majority present and the valid absentee ballots shall be necessary to pass on any matter which requires prior notification.

**SECTION 4. VOTING:** Each member shall be entitled to one vote for each lot as provided hereinbefore.



SECTION 5. ORDER OF BUSINESS: The order of business at the Annual or any Special Meeting shall be as follows:

- A.) Ascertainment of a quorum being present.
- B.) Minutes of previous meeting.
- C.) Reports of Officers.
- D.) Reports of Committee.
- E.) Unfinished Business.
- F.) Fixing number of Directors to be elected. (Annual Meeting ONLY.)
- G.) Election of Directors.
- H.) Other New Business.
- I.) Adjournment.

SECTION 6. SPECIAL MEETINGS: On request of at least twenty-five (25) different active members in good standing, the Board of Directors must call a Special Meeting of the membership. Such meeting shall be held within Pike County in the Commonwealth of Pennsylvania. Notice to the membership as hereinbefore noted will be adhered to. The group of twenty-five (25) shall appoint two (2) of their group to actively work with the Association in regard to all arrangements for the Special Meeting.

SECTION 7. CONDUCTIBILITY OF MEETINGS: The Annual and all Special Meetings of the membership shall be conducted according to Roberts Rules of Order unless modified by the Association's Bylaws. Adherence to these Rules shall be made by a Parliamentarian who will be selected by the Board of Directors at each meeting. The Parliamentarian shall be call upon, as required, to insure an orderly progression of business and his or her ruling shall prevail.

SCHEDULE OF MEETINGS (ANNUAL AND SPECIAL): Meetings are to be scheduled so that they are not held on a major public or religious holiday.

ARTICLE VII  
BOARD OF DIRECTORS AND BOARD MEETINGS

SECTION 1. POWERS: The affairs of the Association shall be governed and administered by the Board of Directors. They shall have full power and it shall be their duty to carry out the purpose of the Association, according to its Certificate of Incorporation, By-Laws and Rules. In addition, to and not in limitation of the powers granted, the Board of Directors by law, they shall have these powers, subject to limitation included in the Corporation for Not-for-Profit 1972 Act, No. 271, Section 7101 et. seq.

- A.) To sue or defend suit in the Association name.
- B.) To have a seal, which may be altered at pleasure and to use same in any proper manner.
- C.) To purchase, take, receive, lease as lessee, take by gift or bequest, or devise, or otherwise acquired and to own, hold, use and otherwise deal with any real or personal property or any interest herein, situated in or out of this State, which may be necessary and proper.

- D.) To borrow money, enter into long term contracts, issue its notes, bond or other evidences of debt, for money or labor done or money or property actually received, and to secure any of its obligations by mortgage, pledge, security agreement or deed of Trust of any of its property franchises and income.
- E.) To elect or appoint and remove officers, employees and agents of the Association and to define their duties and fix their compensation unless specifically provided for elsewhere.
- F.) To purchase, take by gift or bequest or otherwise acquire and to hold shares, bonds, securities or other evidences of debt of any other person or corporation and to exercise all rights and privileges of such ownership, subject to limitations imposed by law.
- G.) To make transfers in trust of its property and assets, make contributions and donations for the public welfare, charity, religious, scientific or educational purposes.
- H.) To appoint committees and define their duties.
- I.) To promulgate rules and regulations for the conduct of the affairs of the Board and of the Association within its purpose.
- J.) To fix the time and place of all Annual and Special meetings of the membership.
- K.) To appoint security personnel.

**SECTION 2. NUMBER AND QUALIFICATIONS OF DIRECTORS:** The Board of Directors shall consist of not less than 5 nor more than 15 natural persons at least 21 years of age who shall be an active member in good standing. The number shall be determined yearly at the Annual meeting. Any Board of Director, who subsequent to his election, is determined not to be an active member in good standing, shall be automatically removed from the Board and lose all rights and privileges of a Board Member. In the event a lot is owned by more than one person or other entity only one of those persons or entities can serve as a Director at one time.

**SECTION 3. ELECTION AND TERMS:** The members of the Board of Directors shall be elected at the Annual Meeting except as provided for hereinafter.

- A.) Each member of the Board of Directors shall be elected for a three-year term. Members elected at the First Annual Meeting only shall serve a three, two or one year term. The three members with the highest total of votes shall serve for three years, members who receive the next three highest totals will serve for two years, members who receive the lowest totals will serve only one year.
- B.) A member cannot serve consecutive terms. A one year break in service has to occur between terms.
- C.) However, the members serving the lowest three totals at the First Annual Meeting only may serve an additional three years, if so elected at the Second Annual Meeting, without having a one year break in service. November 13, 1976 to the second Annual Meeting to be held in September 1977 shall be considered one year for the purpose of establishing the duration of three, two and one year terms.
- D.) In the event the Associations finds itself at the Annual Membership meeting with less than the required number of Board of Directors for the coming year (minimum 5), the outgoing Board members may be allowed to remain in office for an additional one (1) year. This will be acted upon in an EMERGENCY SITUATIONS ONLY to insure P.M.L.E.'s existence.

**SECTION 4. NOMINATIONS:** A qualified member in good standing as of July 10 may offer his or her name to the membership in nomination for election to the Board of Directors at the Annual Meeting. This submission may include a short statement for publication with the election notice; the written nomination offer and statement must reach the Board by July 10. In respect to an offer of nomination for election to the Board at a Special Meeting called for that purpose, the written nomination offer and statement must reach the Board prior to the printing date of the Special Meeting notice given to the membership. The Board of Directors should make a prior good faith effort to contact any person(s) who have made any effort to be involved in association affairs as to the vacancy on the Board.

**SECTION 5. VACANCIES ON THE BOARD OF DIRECTORS:** Vacancies on the Board of Directors may be filled by a majority of the remaining Directors though less than a quorum. Each person so elected shall serve until a successor is elected by the members at their Annual Meeting or at a Special Meeting called for that purpose.

**SECTION 6. TIME AND PLACE OF THE BOARD OF DIRECTORS' MEETINGS:** Meetings of the Board of Directors may be held at such time and place as a majority of the Board agrees or as may be designated in the notice calling the meeting. Such meeting shall be held within Pike County in the Commonwealth of Pennsylvania. A minimum of four (4) meetings shall be held between Annual Meetings. Meetings must be held on a Saturday or Sunday, starting not earlier than 10:00 a.m. and not later than 4:00 p.m.

**SECTION 7. NOTICE:** Written notice of every meeting of the Board of Directors shall be given to each Director at least five (5) days prior to the day named for the meeting.

**SECTION 8. QUORUM:** A majority of Directors in office shall be necessary to constitute a quorum for the transaction of business and their acts as a majority present shall be acts of the Directors.

**SECTION 9. EXECUTIVE COMMITTEE:** The Board of Directors may delegate its authority for a specific purpose to an Executive Committee consisting of three (3) of its members, which must be done by majority vote of the entire Board.

**SECTION 10. ELECTION OF OFFICERS:** The Board of Directors at a meeting to be held within 5 days after the Annual Meeting of members shall elect the officers of the Association which officers shall include a President, one or more Vice-Presidents, a Secretary and a Treasurer and such assistants as may be desired. The Secretary and Treasurer may be the same person.

**SECTION 11. REMOVAL OF A MEMBER OF THE BOARD OF DIRECTORS FROM OFFICE:** A member of the Board of Directors may be removed from office by a two/three vote of active members in good standing present including valid absentee ballots at the Annual Meeting or any Special Meeting called for that specific purpose by the President or group of twenty-five (25) different members in good standing as provided for hereinbefore. Notice of the proposed removal must be stated in the call of the meeting as herein provided.

**SECTION 12. VOTING:** Each Board Member shall have only one vote on any Board matter regardless of the number of lots owned.

SECTION 13. MEETINGS (WHO MAY ATTEND):

- A. All Board of Director's meetings shall be open to the General Membership.
- B. The Board of Directors shall make a good faith effort to advise the membership in a timely manner of the scheduled meetings through the *Estates Quarterly* and the community's bulletin board.
- C. Order of business shall follow the format of Article VI, Section 5 of the Bylaws; except the first Board Meeting after the Annual Meeting which may be limited to the task outlined in Section 10 above.
- D. Conductibility of meetings shall follow the format of Article VI, Section 7 of the Bylaws

ARTICLE VIII  
DUTIES OF OFFICERS

- SECTION 1. PRESIDENT: The President shall be the Chief Executive Officer; he shall preside at all meetings of the members and directors; he shall have general and active management of the business; he shall see that all order and resolutions of the Board of Directors are carried out; he shall execute all bonds, mortgages, and contracts, affixing the corporate seal thereto; he shall have general superintendence and direction of all other officers and see that their duties are properly performed; he shall submit a report of the operations of the Association for the fiscal year to the Board of Directors and members at their general meeting, and from time to time shall report to the Board of Directors all matters within his knowledge that may affect committees and shall have the powers and duties and management usually vested in the office of President in a corporation; he shall appoint all committees, except as herein otherwise provided. The President will have the right to spend up to \$200.00 each month on Association affairs without prior authorization. He will account for all such monies spent at the next Board of Directors meeting held. Unspent monies for a month under this provision cannot be carried forward to the next month. Should and emergency arise he can spend up to \$500.00.
- SECTION 2. VICE-PRESIDENT: The Vice President shall be vested with all the powers and shall perform all the duties of the President during the absence of the latter and shall have such other duties as may from time to time be determined by the Board of Directors. In the event that there shall be more than one Vice-President, then there shall be a First Vice-President, Second Vice-President and Third Vice-President, depending on whether or not there shall be that many Vice-Presidents. In the event that the President shall be absent at any meeting, the First Vice-President shall preside. If neither is present at a meeting, then the Second Vice-President shall preside, and so on.
- SECTION 3. SECRETARY: The Secretary shall attend all sessions of the Board of Directors and all meetings of members and act as a clerk thereof if no provision for a Recording Secretary has been made; and shall record all votes and minutes of all proceedings in a book to be

kept for that purpose; and shall, when required, send notice of all meetings to the members of the Board of Directors; and shall perform such other duties as may be prescribed by the Board of Directors or the President under whose supervision he shall be; and he shall be the custodian of the corporate seal and all of the books and records of this Association, except as may otherwise be provided.

SECTION 4. TREASURER: The Treasurer, under the direction of the board Directors, shall have charge of the funds of this Association in depositories designated by the Board of Directors; he shall pay all vouchers or orders properly attested by the President and one other officer. However, any sum in excess of \$1,000.00 on any matter not voted on and approved in the annual budget shall not be disbursed without the approval of the membership at a Special Meeting. He shall make a complete and accurate report of the Finances of this Association at each Annual Meeting of the members, or at any other time upon request to the Board of Directors.

SECTION 5. COMPENSATION AND/OR REIMBURSEMENT FOR SERVICES AND EXPENDITURES OF OFFICERS AND MEMBERS OF THE BOARD OF DIRECTORS:

- A. Officers and members of the Board of Directors shall receive no financial compensation.
- B. Officers and members of the Board of Directors may be reimbursed for valid and solely Association-related expenditures incurred in effecting Association affairs. All such reimbursements shall be subject to review and approval by the Board of Directors.

ARTICLE IX  
NOTICES / NEWSLETTERS

SECTION 1. All notices to members, members of the Board of Directors or committee members shall be e-mailed or mailed via the post office to their addresses as registered with the Association office.

SECTION 2. All notification to the Association by members shall be e-mailed or mailed via the post office to the Association's designated mailing address.

SECTION 3. The Association's Officer's, or individuals and/or committees appointed by them, shall publish the *Estates Quarterly* as the Association's official organ. Notices appearing in the *Estates Quarterly* shall constitute official notices to Association members. By request in writing, The *Estates Quarterly* shall be mailed by first class mail to members at their addresses on file at the Association office. All others shall be e-mailed the *Estates Quarterly*. The *Estate Quarterly* will be available on the PMLE web site. The *Estates Quarterly* shall be distinguished by its masthead and the Association's logo that has been in use since 1977.

SECTION 4. Nonmembers shall only receive notice of the annual maintenance charge and related follow up. All such notices will be e-mailed or mailed via the post office.

ARTICLE X  
AMENDMENTS AND MANDATES

SECTION 1. AMENDMENTS

- A. A proposed amendment must reach the Board of Directors by July 10<sup>th</sup>. The proposed Amendment must be written and include the intended placement in the Bylaws and any secondary additions or deletions that may be necessary elsewhere in the Bylaws.
- B. These Bylaws may be amended only by two-thirds vote of the members in good standing present, including valid absentee ballots at the Annual Meeting of the Association, provided notice of the purport of the proposed amendment has been stated in the call of the meeting as herein provided.

SECTION 2. MANDATES

- A. A written proposed mandate must reach the Board of Directors by July 10<sup>th</sup>.
- B. The membership shall be permitted to express to the Board of Directors at an Annual Meeting their opinion regarding any issue\* “not” specifically covered by the Bylaws, Rules, Regulations or Fees which shall be carried out by the board until the next Annual Meeting.
- C. The mandate has to be approved by a two-thirds vote of the members in good standing present at the Annual Meeting of the Association including valid absentee ballots, provided notice of the purport of the proposed mandate has been stated in the call of the meeting as hereinbefore provided.

\* Generally an administrative, management or operating procedure issue which depends on the objectivity of the Board.

ARTICLE XI  
MAINTENANCE, LONG TERM MAINTENANCE, AND SPECIAL  
MAINTENANCE FEES INCLUDING UNBUILD ABLE LOTS

SECTION 1. An annual Maintenance and/or Long Term Maintenance charge shall be made upon all members of the Association and nonmembers as hereinbefore defined in Article III, Section 3 on a per plotted lot basis as of May 1 of each year. These charges shall not be levied on UNBUILD ABLE lots. The first annual Maintenance charge shall be made upon all members on or about November 15, 1976.

SECTION 2. Developer members shall not be required to pay any Maintenance or Long Term Maintenance charge.

SECTION 3. The annual Maintenance charge on all improved or unimproved plotted lots will be as deemed appropriate by the Board of Directors to cover the cost of repair, maintenance and upkeep as defined by the Court Order described hereinbefore. Related administrative and operating cost will be included in the charge. An owner of an improved lot (homeowner) will pay a Maintenance charge three (3) times greater than an owner of an unimproved lot (property owner). However, at no time can new Maintenance charges exceed the prior annual Maintenance charges on an improved lot (homeowner) or an unimproved lot (property owner) by more than 20 percent.

- SECTION 4. The annual Long Term Maintenance charge on all improved or unimproved plotted lots will be as recommended by the Board of Directors and approved by the membership at the Annual or any Special Meeting called for that specific purpose. A Long Term Maintenance charge is any large allocation of cost for an activity that due to its extraordinary scope and not necessarily mandatory in execution would best be voted on by the membership at large and not just the Board of Directors, since it might have yearly occurring financial consequences.
- SECTION 5. Accounts in arrears by more than ninety (90) days may be subject to legal action. All legal and administrative costs incurred in the process of collecting delinquent Maintenance and Long Term Maintenance charges shall be added to the total amount of money to be collected from the delinquent property owner, effective January 1, 1978.
- SECTION 6. An owner or owners of any lot rejected for building by the township and noted in the County Tax Records as: "SEWERAGE PERMIT DENIED" will pay 20% of the current fee levied on unimproved lots. The Association identifies these as "UNBUILDABLE".
- SECTION 7. Payment of monies owed the Association shall be within 30 days from the date of mailing or 30 days from May 1, whichever occurs later unless provided for otherwise in the Bylaws.

ARTICLE XII  
GRIEVANCES AND APPEALS

- SECTION 1. Members of the Association shall have the opportunity to present any grievance or charge as hereinafter provided.
- SECTION 2. The responsibility for achieving expeditious and just treatment of grievances and charges shall reside with a Grievance Committee established by the board of Directors with Committee members serving a one year term.
- SECTION 3. All grievances and charges must be filed in writing with Grievance Committee. Specific forms and procedures for filing grievances shall be provided by the Secretary of the Association upon request.
- SECTION 4. Charges or grievances against a member of the Association or a Committee of the Association shall be acted on by the Grievance Committee. Charges or grievances against an Officer of the Association shall be directed to and acted on by the Board of Directors.
- SECTION 5. In all cases, fair notice shall be given to all persons concerned. Decisions shall be made known to the individual(s) lodging the grievance or charge and full and complete records shall be kept relative to grievances and related decisions.

SECTION 6. A decision of the Grievance Committee may be appealed to the Board Directors provided that a notice of appeal is filed with the Association Secretary within 15 days after receipt of notice of the Grievance Committee's decision(s).

SECTION 7. No current Board Member shall serve on the Grievance Committee.

ARTICLE XIII  
COMMITTEES

SECTION 1. Committees, both permanent and temporary, shall be instituted as required for the orderly conduct of business of the Association.

SECTION 2. Committees shall be established by the Board of Directors, who shall define and specify the Committee's activities and objectives.

SECTION 3. Each Committee shall be composed of active members in good standing who shall elect their own chairman and secretary. No member in good standing shall be turned away from a committee.

SECTION 4. Minutes of every Committee meeting shall be filed with the Association Secretary.

SECTION 5. The permanent Committees shall be;

- A. Grievance
- B. Budget / Financial
- C. Rules and Regulations
- D. Planning

ARTICLE XIV  
MISCELLANEOUS

SECTION 1. A member shall not be privileged to resign or transfer his membership as long as he so long as he continues to own or control property in the community development.

SECTION 2. The Board of Directors shall not be permitted to enter into any business contract for services with this Association for amounts in excess of \$1,000.00.

SECTION 3. Any contract whether for business purposes or personal services with the Association in connection with Maintenance charges in excess of \$1,000.00 shall be competitively bid by not less than three (3) responsible bidders. In lieu of three (3) competitive bids, the Association shall have a public notice placed in the local newspaper for three (3) consecutive weeks calling for bid proposals.



ARTICLE XV  
BOOKS AND RECORDS

- SECTION 1. The Association shall keep records of the proceedings of the members and of the Directors, a membership register giving the names of members in alphabetical order and appropriate and complete records of its finances.
- SECTION 2. A copy of all Minutes of meetings shall be made available at cost upon written request of any member in good standing.
- SECTION 3. Corporate books and records shall be made available for inspection by a member in good standing upon written request to the Board of Directors.

ARTICLE XVI  
BUDGET

- SECTION 1. The budget will be developed by the Budget / Financial Committee in conjunction with data supplied to it by the other permanent committees and temporary committees that are established by the Board of Directors and the officers of the Association.
- SECTION 2. The budget will be divided into four separate parts as follows:
- A. Part I Administration, etc.
  - B. Part II Maintenance
  - C. Part III Long Term Maintenance
  - D. Part IV Special Maintenance
- SECTION 3. The budget will be presented to the membership with the Board of Directors' recommendations at the Annual Meeting or a Special Meeting for their review and approval of Parts III and IV. A two-thirds vote of the members in good standing present, including valid absentee ballots at the Annual Meeting shall be required for approval of Parts III and IV as submitted or amended at the Annual Meeting or Special Meeting.
- SECTION 4. Any line item contained in any Part of the Budget not approved, cannot be financed with funds of the Association. However, the newly elected Board of Directors shall develop and implement an austerity budget which shall not exceed the following:
- A. Part III Cost of any prior contractual agreement made by the Association
- SECTION 5. Part II of the budget is mandatory in conjunction with the Court Decree described hereinbefore. Therefore, no membership approval is required nor requested.
- SECTION 6. Each budget line item shall clearly state whether the item fits into one of the following categories:
- A. One time cost (example, incorporation fee).
  - B. Annual recurring cost which can vary from year to year (example, postage).
  - C. Annual recurring cost which can vary from year to year but can be eliminated.
  - D. Annual recurring cost of a long-term nature.

SECTION 7. Each part of the proposed budget shall indicate the appropriate cost of fee, Maintenance charges, Long Term Maintenance, Special Maintenance or surplus funds to be used to finance same.

SECTION 8. Expenditures for any budget line item cannot exceed 120% of the approved budget cost.

SECTION 9. SNOW / ICE BUDGET. Set the budget line item for snow / ice at least at the average of the prior three (3) years actual cost.

ARTICLE XVII  
RULES, REGULATIONS AND FEES

SECTION 1. Rules, Regulations, and Fees are needed for the conduct of the affairs of the Board and the Association within its purpose. Those rules, regulations and fees proposed after the initial Issue in the spring of 1977 will be presented \* to the membership at the Annual Meeting or a Special Meeting for their review and approval. A two-thirds vote of the members in good standing present including valid absentee ballots shall be required for approval of each proposed change.

SECTION 2. Rules, Regulations, and Fees cannot be proposed and / or enacted that are in conflict with the By-Laws or Restrictive Covenants.

SECTION 3. Changes to Rules, Regulations, and Fees when approved by the membership will be effective immediately unless noted otherwise in the proposed change.

SECTION 4. Failure to pay any designated fee within a reasonable time (ninety (90) days) will result a late charge of five (5) dollars. Continued delinquency (after six (6) months from initial notifications of a designated fee) will result in the member losing his or her vote. Legal action may then be taken by the Association to protect its interest similar to delinquency regarding Maintenance and Long Term Maintenance fees. The time table noted above will be delayed for the time period that a grievance and any subsequent appeal is made, heard, and ruled upon.

\* Recommended changes to be published in at least one *Estates Quarterly* issued thirty (30) days prior to the meeting when the vote is taken.

# **RULES, REGULATIONS AND FEES**

## **PROLOGUE**

In any community, the well being and enjoyment of the individual is not completely within his control; it is contingent, to a very large degree upon the actions of the other members of that community. Since Pocono Mountain Lake Estates Sections 5, 6, 7 is designed primarily for the leisure time pleasure of its members, it is essential that realistic rules and regulations be established and obeyed.

## **TRAFFIC**

1. Except as otherwise indicated below, all laws of the Commonwealth of Pennsylvania applicable to the operation and use of motor vehicles on public roads shall apply.
2. Only vehicles equipped with pneumatic tires are permitted on roads.
3. Powered "mini-bikes", "go-carts", "snowmobiles" or similar vehicles are prohibited.
4. Unless weather conditions or posted speed limits dictate otherwise, the maximum speed limit in the community is 20 MPH.
5. Parking on the community roads is not permitted:
  - A. after sundown and before sunrise.
  - B. when there is snow or ice on any part of the road.
6. Pedestrians and bicyclists have the right of way. During darkness, only those bicycles equipped with lights ( front and rear ) may be operated.
7. All construction and delivery vehicles must use the designated truck route. Property owners are responsible for their contractors, etc.

## **BEACHES - LAKES - BOATING**

8. When on duty, lifeguards are the final authority regarding water safety conditions, they must be obeyed at all times.
9. There shall be no "rough-play" or any other conduct which endangers life or property or interferes with the realistic enjoyment of these facilities by others.
10. Picnicking is permitted only in those areas so designated.
11. All refuse shall be placed in the receptacle provided for that purpose.
12. Children under 10 years old should be accompanied by an adult. **LIFEGUARDS ARE NOT PERMITTED TO ACCEPT SPECIAL RESPONSIBILITY FOR ANY CHILD.**
13. With the exception of dogs trained and used to aid the blind, not pets of any kind are permitted on any of the beaches.
14. Combustion motor powered boats are prohibited.
15. Ingress and egress to the lake shall be in the designated public beach area only for residents whose property does not front on the lake.
16. Association members are asked not to swim in the lake at any time at the request of our insurance carrier.

## **GENERAL**

17. Any authorized use of the facilities shall be with due consideration of the time, location and the rights of others in general.
18. Only paid up members and non-members guests of paid up members are authorized to use any recreational facilities.
19. Littering or dumping of refuse anywhere in the community other than in the receptacles provided is prohibited.
20. Picnicking is permitted only in those areas so designated in the community.
21. Directing a spotlight on any animal or dwelling in the community is prohibited.
22. No weapon may be discharged anywhere in the community.
23. Members are responsible for the conduct of their guests and tenants and their adherence to these rules and regulations.
24. Any member renting or otherwise permitting another to use the member's house must give prior notice to the Board of Directors, in writing, if possible. Any individual not so registered must, of necessity, be treated as a trespasser.
25. Dogs shall be kept under control at all times.
26. All covenants and restrictions contained in the Member's Deed to Real Property in this community shall apply.
27. The directions of the Security Advisor shall be obeyed.
28. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other out-building shall be used on any lot at anytime as a residence, either temporarily or permanently.
29. No signs are to be erected or maintained on the premises for advertising purposes.
30. No one is permitted to clear the lot of brush or trees or do any burning, except barbecuing, of any nature whatever except after having first obtained the approval of the Board of Directors in writing; such approval to specify the time and manner in which such clearing or burning shall be done.
31. Property owners are not to put any snow in the road's way. (Owners are responsible for their contractors). Owners will be subject to warnings and subsequent fines as per prior approved schedule.
32. All rules and regulations of P.M.L.E. Section 5,6,7, both written or unwritten are pursuant to the rules, regulations and laws of the Commonwealth of Pennsylvania.
33. It is prohibited to leave your vehicle (unattended) parked in the lot used to pick up and drop off children for the school bus. It is also prohibited to leave your vehicle parked in the mailbox area.
34. Interfering with or harassing P.M.L.E. Board members, volunteers or members while working or acting on behalf of the Association shall be a violation.
35. Noise Disturbance-During the quiet hours of 10 P.M. to 7 A.M. Monday thru Friday and 11P.M. to 8 A.M. Weekends and Holidays all residents, guests and contractors shall minimize the noise level and shall refrain from the use of, but not limited to, power equipment, construction equipment and loud audio equipment.
36. Homeowners or property owners may not block, alter, divert, blow, rack or dispose of leaves, branches, dirt etc. into culvert pipes or ditching areas, nor divert the flow of water for any reason. If any alterations to these areas cause a safety issue (such as water buildup on the road) or any other resulting issues, the homeowner or property owner will be responsible for any and all necessary repairs.
37. Any member who, in the opinion of the Board of Directors, is a serious or repetitious violator of these rules and regulations, or any part of them, is subject to sanctions by the Board of Directors — including but not limited to the suspension of the right to use the recreational facilities in the community.

- 38. Failure to promptly enforce any of the foregoing rules and regulations shall not be deemed a waiver of the right to do so thereafter as to any continuing, subsequent or other violations.**

## **FEES AND BILLING**

- 39. For the purposes of billing, an unimproved lot will be considered and billed as an improved lot when either a building, septic or well permit is issued. If a permit has been issued by April 1, the property owner will be billed as an improved lot on May 1. Billing will not be prorated, but adjusted only at the start of the fiscal year.**
- 40. Individuals buying at a tax sale will be liable for 50% of the Maintenance fees for that fiscal year in which the sale took place.**
- 41. Beginning May 1, 2010, statements not paid within thirty days will bear an additional charge of 1.25%, which corresponds to an annual percentage rate of 15%.**
- 42. The initial violation of a rule and regulation will result in a warning letter. The second violation will involve a fine equal to one eighth of the current maintenance fee for an improved lot. The third violation will involve a fine equal to one fourth of the current maintenance fee for an improved lot and the same thereafter.**
43. Unit Resale Certificate. A fee\*, to be determined to by the Board of Directors to cover the cost of research and legal fees, will be collected by the Association from the seller of any real estate in P.M.L.E. Sections 5,6,7 before a Unit Resale Certificate is issued (signed and dated by the Authorized Agent(s) of the Association). The Board of Directors will designate the Authorized Agent(s) at the September Board Meeting each year held immediately after the Annual Meeting. \*Initially \$100/lot. To be revised by the Board of Directors yearly on May 1<sup>st</sup>, if experience dictates same.