

HICKORY HILLS PROPERTY OWNERS ASSOCIATION

RULES AND REGULATIONS

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PREFACE

The following Rules and Regulations have been approved by the Hickory Hills Property Owners Association (HHPOA) Board of Directors. These approved Rules and Regulations will help to:

- provide a healthful and harmonious environment
- protect and preserve property values
- enable action to be taken as may be necessary to insure the above

All property owners are responsible for their guests, family members, and renters' adherence to the Covenants, Rules and Regulations and By-Laws of HHPOA and are obligated to provide guest/renters with copies of them. Copies may be obtained at the office or online at HickoryHills.co. Property owners are responsible for any damage to HHPOA Property caused by the property owner, their family members, guests, and/or renters. Any unresolved damage claims will be turned over to local law enforcement and/or the District Magistrate. Should a member fail to or refuse to comply with the Rules and Regulations HHPOA may take whatever legal action may be necessary or appropriate in the circumstances and recover from the member any cost incurred in taking such action.

These Rules and Regulations may be reviewed and changed periodically for the best interests of the community as determined by the Board of Directors. These Rules and Regulations may be altered or amended by majority vote of the HHPOA Board of Directors.

All township ordinances, County, State, and Federal laws, the By-Laws of the HHPOA and the Declaration of Covenants apply within Hickory Hills.

ARTICLE I
DEFINITIONS

Amenities: Property owned or under the control of the Association for the use and benefit of the members or their guests, including such things as the pool, lake, ball fields, clubhouse, playground and the like. The dumpster is not an amenity.

Association: The Hickory Hills Property Owner's Association, its successors and assigns.

Board of Directors: The Board of Directors of the Association, who are members in good standing duly elected or appointed under the By-laws Of HHPOA.

By-Laws: The By-Laws of the HHPOA.

Common Facilities: means all portions of Hickory Hills that are owned by the Association, including, but not limited to, open space, parking areas, driveways, curbs, stairs, retaining walls, as depicted on the Plats and Plans. The term does not include the assets of Hickory Hills Property Owners Association, Inc., and assists of any utility companies.

Dwelling: means any residence erected on or to be erected on a Lot.

Exterior property: The structural exterior and the open space on the property under the control of Owners.

Hickory Hills Property Association (HHPOA): A Pennsylvania not-for-profit corporation whose membership is comprised of the owners of property.

Lot: A residential lot, improved or unimproved, within Hickory Hills. Two or more adjoining lots, which have been legally merged with municipal approval into one lot, shall not be treated as one lot for the purposes of assessments and special assessments.

Member: An owner of property in Hickory Hills:

- a) In good standing is defined as a property owner with all dues, assessments, late fees, fines, and other costs paid.
- b) A member not in good standing is defined as a property owner with dues, assessments, late fees, fines, and other costs in arrears.

Motorized Vehicle: A properly government, state, and commonwealth, licensed, inspected and insured vehicle.

Owner: Any person, agent, operator, firm, or corporation having a legal or equitable interest in the property, or recorded in the official records of the state, county, or municipality as holding title to the property, or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Public Nuisance: Any physical condition of any premises considered a public nuisance at common law, including but not limited to, excavations and unsafe fences or structures.

- a) Any property that has unsanitary sewerage or plumbing facilities.
- b) Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured so as to endanger life, limb, or property.
- c) Any premises that is unsanitary or that is littered with rubbish, garbage, construction materials/waste, or that has an uncontrolled growth of weeds.
- d) Any structure that is in a state of dilapidation, deterioration, or decay.

Refuse (garbage, trash, and rubbish): The animal and vegetable waste resulting from handling, preparation, consumption of food; combustible and non-combustible waste materials including ashes, metal cans, paper, tags, cartons, boxes, rubber, metals, mineral material, glass and other similar materials.

Unsafe structure: A structure that is found to be so damaged, decayed, dilapidated, and/or structurally unsafe that it is deemed to constitute an eyesore and deemed to be dangerous to the life, health, property, or safety of the public.

Weeds: All grasses, annual plants and vegetation other than trees, shrubs, cultivated flowers, ornamental grasses, and gardens.

ARTICLE II

MEMBER IDENTIFICATION

It is the policy of HHPOA that all members, renters, or guests be properly identified when using any of the HHPOA amenities including HHPOA roadways.

- 1) Upon payment in full of the annual assessment and any other applicable charges and fines members will be issued identification as may be designated by the HHPOA Board of Directors.
- 2) Vehicles, operators and occupants of a vehicle, or persons in general who cannot justify their presence in the development will be detained, their identification verified and if appropriate, escorted out of the development and will be subject to prosecution for Trespass pursuant to the laws of the Commonwealth of Pennsylvania.
- 3) While on the roads, grounds, buildings, or other HHPOA amenities or property, all members, renters, or guests shall, upon request, identify themselves and cooperate in a non-abusive manner with security personnel, lifeguards, employees, agents, and/or management retained by HHPOA, and obey all posted signs and traffic control devices. Failure to comply will result in the imposition of a fine.
- 4) Membership identification is non-transferable. Members found falsifying, duplicating, selling/renting, stealing, and/or lending HHPOA Membership Identification will be subject to a fine.
- 5) HHPOA members, guests, visitors, and renters using HHPOA amenities without identification designated by HHPOA shall be removed from said facility and be subject to a fine.

Membership ID items:

a) Amenity IDs

- 1) All members, guests, visitors, and renters, shall wear or otherwise clearly display HHPOA amenity IDs while using amenities. Violators will be subject to fine and removal from said facility.
- 2) Members in good standing may receive six (6) Amenity IDs.
- 3) Replacement Amenity IDs may be obtained by purchase for \$10.00 per ID.
- 4) Amenity IDs are only valid for the current dues year and are issued each year to members in good standing.
- 5) Anyone other than the property owner desiring to obtain Amenity IDs must present written authorization from the property owner.
- 6) Amenity IDs must be obtained in person from the HHPOA office. None will be mailed.

b) Vehicle Stickers

- 1) All Members will be issued a numbered vehicle sticker for each non-commercial vehicle registered at the member's address.
- 2) Current copies of member's state vehicle registrations must be submitted to the HHPOA office annually in order to obtain vehicle stickers.
- 3) Numbered vehicle stickers are identified with the license plate numbers and are not transferable.
- 4) Vehicle stickers should be placed in the lower left hand corner of the windshield on the driver's side prominently visible from the front and outside of the vehicle.
- 5) Property owners must pick up stickers from the HHPOA office or provide written authorization for a representative to do so along with a copy of the member's vehicle registration(s).
- 6) Vehicle stickers may be mailed to a member upon written request from the member along with copies of vehicle registration(s) and a Stamped Self Addressed Envelope.

ARTICLE III

GUEST POLICY

The HHPOA recognizes that as a private residential community members will on many occasions, invite guests into the Association. Members are responsible for the proper conduct of their guests and invitees while using the facilities and common areas. It is the member's responsibility to make sure that their guests and invitees are familiar with the Rules and Regulations of HHPOA. Members are financially responsible for any citations incurred or the cost of any damages caused by their guests.

- 1) Guests are required to identify the name and address of the property owners they are visiting.
- 2) Guests must provide a valid driver's license and vehicle registration to gain access to the community.

ARTICLE IV
BUILDING, RENTING, AND SELLING POLICY

BUILDING:

- 1) A permit, issued by HHPOA, is required for all new home construction. This can be obtained by submitting a copy of your proposed blueprint and a current building permit issued by Foster Township to the HHPOA office along with a non-refundable impact fee of four hundred and fifty dollars (\$450.00) and a refundable fee of one thousand dollars (\$1,000.00). The \$1,000.00 refundable fee will be returned to the member one year after the issuance of a Certificate of Occupancy (COO) provided no part of that amount was used by HHPOA for repairs of community property.
- 2) Other specifications and requirements will be given to you at the office when you apply for the permit.
- 3) Clear-cutting of lots is not permitted. Please see more details with regard to cutting of trees in ARTICLE X in this document.

RENTING:

Members are responsible for the actions of their short and long term renters/occupants financially and entirely and must advise them of the Rules and Regulations and all governing documents of HHPOA.

- 1) Anyone renting their home for a period of thirty (30) days or longer is required to have their tenant complete a Tenant Registration Form at the office.
- 2) It is the responsibility of a property owner to insure that the status of tenancy, rental, possession, occupancy, use, and residency of all their lots is current and updated.
- 3) All persons renting, leasing, using, possessing, occupying, or residing at any HHPOA lot, however temporary or intermittent derived from any owner authorization shall be registered with HHPOA.
- 4) Anyone who rents their property for thirty (30) days or longer must pay a \$150.00 fee per year to cover administrative costs.
- 5) When you rent your property you forfeit all of your pool, lake, and garbage rights in favor of your renter and arrangements must be made for mail box keys, Amenity ID's, and Vehicle IDs.

SELLING:

- 1) HHPOA has the Right of First Refusal. When you sell your property the Association has to sign off on your deed before title can legally be transferred. All accounts and charges owed to the Association must be satisfied before closing.
- 2) As per the Pennsylvania Planned Community Act when selling your home you must obtain a resale certificate with the office and pay the current fee.

ARTICLE V
MOTOR VEHICLES

OPERATION:

- 1) The speed limit on all HHPOA roads is 25 MPH except for parking areas or school bus zones which are 5 MPH. Speeding fine is **\$50.00**.
- 2) No vehicle shall enter or leave Hickory Hills at any point except the main entrance except in special circumstances with the consent of HHPOA.
- 3) No driver will operate a vehicle in careless disregard for the safety of persons or property in Hickory Hills. No driver will operate a vehicle at a speed that is unsafe for the current road conditions caused by weather or other natural causes. This includes but is not limited to snow, rain, ice, or flooded roadways. Careless driving fine is **\$75.00**, and is doubled for subsequent violations.
- 4) Any person who drives any vehicle in disregard for the safety of persons or property or in excess of 15 MPH over the posted speed limit is guilty of reckless driving. The reckless driving fine is **\$100.00*** and will be doubled for subsequent violations.
- 5) Passing is not permitted on HHPOA roadways. The fine is **\$100.00***.
- 6) The provisions of the Pennsylvania Motor Vehicle Code regarding operation of all motorized vehicles are adopted in the confines of Hickory Hills except as otherwise restricted in these rules.
- 7) HHPOA has the right to refuse entrance to any driver/vehicle that does not have a valid driver's license, vehicle registration, or insurance for the vehicle. Any person stopped on HHPOA roadways and found in violation may be escorted out or vehicle towed at owners' expense as well as fined for each violation incurred as per these Rules & Regulations.
- 8) Unlicensed driver fine is **\$100.00***.
- 9) Unregistered and or uninspected vehicle fine is **\$50.00***.
- 10) All traffic signs must be obeyed. Failure to come to a complete stop at a stop sign is a **\$50.00** fine, and is doubled for a subsequent violation.
- 11) Motorized vehicles must be registered with the HHPOA office and updated. For security, compactor and lake use, safety, and ease of access, HHPOA requires HHPOA current stickers on all registered vehicles each fiscal year.
- 12) Vehicle stickers should be placed in the lower left hand corner of the windshield on the driver's side prominently visible from the front and outside of the vehicle.
- 13) The owner of a motorized vehicle is financially responsible for any property damage, citations, or personal injury arising out of the operation of that vehicle in HHPOA.
- 14) No motorized vehicle is to be operated on the sandy area adjacent to the beach, ballfield, or basketball court, or other common areas of HHPOA except for the HHPOA maintenance personnel and equipment, emergency vehicles, the members of the HHPOA Board of Directors, and HHPOA security.
- 15) All-Terrain vehicles (ATVs), motorized four wheelers, three wheelers, snowmobiles or any other motorized off-road vehicles such as go-carts, dirt bikes, mini bikes, and golf carts are banned from HHPOA properties, roadway and amenities. Violation of the banned vehicles regulation will incur a **\$100.00*** fine per vehicle and fines will be doubled for subsequent violations.

- 16) It is prohibited for any driver of a motor vehicle to fail to stop or to flee or attempt to elude security personnel when given a visual or audible signal to bring the vehicle to a stop. The signal given by the security personnel may be by hand, voice, emergency lights, horn or siren. Trying to elude at excessive speeds will be considered reckless driving and will incur a fine of **\$100.00*** and be doubled for subsequent violations. The issuing of civil penalties will be based on an Officer's observation and discretion.
- 17) Medically approved scooters must display reflectors on the front and rear and be equipped with a six foot whip flag.

*No Warnings given

GENERAL:

- 1) There shall be no assembling or disassembling of motor vehicles within the HHPOA complex except for emergencies and the routine maintenance of the property owners' personal vehicles.
- 2) The spray painting of motor vehicles is strictly prohibited. Minor touchups are allowed.
- 3) All vehicles stored or parked or kept anywhere within a lot, including any structure thereat shall be registered to, and insured by the owner/occupant for personal use only excluding overnight guests.
- 4) All vehicles stored or parked or kept anywhere within a lot, including any structure thereat shall have current vehicle registration, insurance and state inspection sticker.
- 5) All vehicles kept in Hickory Hills must be registered with the HHPOA office.
- 6) No vehicle shall at any time be in a state of disassembly, disrepair, or in the process of being repaired/worked on, for a period of more than ten (10) consecutive days.
- 7) On street parking is prohibited at all times unless security or the office is notified of any extenuating circumstances and permission granted as a result which at no time can impede the free flow of a least one lane of traffic. HHPOA is not responsible for damage to any vehicle which may occur as a result of any on street parking.
- 8) Parking at the mailbox area is limited to 30 minutes.
- 9) Overnight parking is prohibited anywhere in Hickory Hills except on private property unless arrangements are made through the office or with HHPOA security when extenuating circumstances arise.
- 10) Illegally parked, stored, or kept vehicles and/or vehicles in violation of these Rules and Regulations may be towed at the owner's expense and or fined. Any damage to the vehicle(s) incurred in the process of removal/towing will be the financial responsibility of the owner.
- 11) Commercial car covers will be permitted for temporary use during the period of time necessary to complete repairs (see # 6 above). In the case of classic/antique cars, covers may be used indefinitely if the owner maintains a current and valid classic vehicle registration, insurance and current state inspection sticker.
- 12) Owners of motor homes, boats, or recreational trailers are permitted to park on their own property to the side or rear of their house within the property setback. However they shall not be used as living quarters or rented to others as such.
- 13) Tractor-trailers (cab and trailer or cab only) are not to be brought into the development by homeowners or their guests. Tractor-trailers are not to be parked in the front of the development.
- 14) The Foster Township abandoned vehicle code applies in the confines of HHPOA.

ARTICLE VI
POOL AND LAKE

- 1) All water activity is “at your own risk.”
- 2) Admittance to pool and lake areas will be restricted to HHPOA members in good standing and their guests or tenants.
- 3) Guests at the pool and lake must be in possession of an Amenity ID.
- 4) No smoking is allowed inside the pool enclosure.
- 5) Alcohol is not permitted inside the pool area.
- 6) No rafts, inner tubes, flippers, or scuba equipment may be used in the pool.
- 7) Children who are not toilet trained must wear protective pants.
- 8) No diving running or boisterous conduct will be permitted in the pool.
- 9) Children under the age of twelve (12) must be under the direct supervision of a responsible adult while in/at the pool or lake.
- 10) No skate boards, roller-blades, bicycles, or motorized vehicles are allowed in the fenced in pool area.
- 11) All activities at the pool will end at posted hours.
- 12) The pool is open from Memorial Day until the day after Labor Day unless otherwise designated.
- 13) Only catch and release fishing is allowed at the lake throughout the year.
- 14) Fishing at the lake is subject to all Pennsylvania Fish & Boat Commission license requirements.
- 15) Pets are prohibited from the pool and beach area except for certified/registered service animals.
- 16) There is no camping allowed at the lake area.
- 17) The pool is a swim at your own risk pool, however, if a lifeguard appointed and empowered by HHPOA is present they shall have the authority to regulate the safety and conduct of all persons within the pool and shall have the use of such disciplinary action as may be necessary to maintain proper conduct and insure the safety of all.
- 18) No glass containers are allowed on the beach or within the pool area, or the basketball court, or ballfield.
- 19) Combustion engine watercraft is not permitted in the lake.
- 20) There is no fishing from the beach area of the lake.

ARTICLE VII
PETS/ANIMALS

- 1) All dogs must have a current license.
- 2) All dogs must be vaccinated against rabies and have their current inoculation tags.
- 3) Pets must be leashed and under control at all times except when confined on private property by an invisible or secure regular fence.
- 4) All dogs are subject to the Foster Township Dog Ordinance.
- 5) Livestock, farm animals, wild, or exotic animals of any kind are prohibited in Hickory Hills.
- 6) Pets are prohibited from the beach and picnic areas of the lake and from the fenced in area of the pool except for certified/registered service animals.
- 7) All pet owners must clean up after their pet and remove in its entirety any excrement from said animal from HHPOA roads, amenities and other member's private property.
- 8) Any complaint regarding strays, mistreated, abused, menacing, abandoned, or loose animals should be filed with the appropriate authorities.
- 9) HHPOA homeowners are responsible for any damage caused by their pets.
- 10) Feeding of wild animals, waterfowl, and strays is strictly forbidden in HHPOA except on private property.
- 11) The number of pets per household is limited to four (4) in HHPOA.

ARTICLE VIII
FIREARMS, WEAPONS, AND FIREWORKS

- 1) No hunting is permitted in HHPOA.
- 2) No person shall discharge a firearm in HHPOA except in self-defense.
- 3) Only fireworks legally sold for use in PA may be discharged in HHPOA. Fireworks may only be discharged at the lake and no other areas including members' private property. Fireworks may only be discharged on Memorial Day and the 3rd, 4th, and 5th of July and at no other times throughout the year. No fireworks may be discharged between the hours of 11:00 P.M. and 7A.M. on the above dates. Any other use of fireworks will incur a fine of **\$500.00***. HHPOA is not responsible for any damages to person or property incurred by the use of such fireworks and such damage is the responsibility of the perpetrator.

*No Warnings given

ARTICLE IX
HEALTH AND SANITATION

- 1) The compactor is for the disposal of household garbage only and only that household garbage that has been generated in Hickory Hills.
- 2) The compactor is to be used by paid HHPOA members only.
- 3) The compactor must not be used for the disposal of but not limited to the following items: construction materials, bulk waste, hazardous materials such as radioactive waste (as defined by the US EPA), Polychlorinated Biphenyl (PCB) type waste, asbestos fibers in any form, treated or untreated medical waste or any free liquids (paints solvents, antifreeze, fuels, etc.), televisions, monitors, furniture, appliances, waste tires, vehicle parts, leaves and yard waste, BBQs. bicycles, outdoor playsets, air conditioners, dehumidifiers, carpets, flooring, tile, etc. Nor may any of these items or the like be left near or around the dumpster area.
- 4) Anyone caught using the compactor illegally will be fined **\$300.00***and will be responsible for any costs incurred in the removal of the illegal items or any legal fees incurred in the action taken against the offender.
- 5) The illegal dumping fine is **\$300.00***.
- 6) There is no littering in HHPOA.
- 7) Open burning is prohibited in both HHPOA and in Foster Township.
- 8) No outdoor boilers are permitted in HHPOA as per Foster Township regulations.
- 9) No lot or other area within the boundaries of HHPOA shall be used as a dumping ground for refuse of any kind.
- 10) NO household trash or garbage shall be deposited in the containers at the lake, pool, clubhouse, or picnic area, or any other public area.
- 11) Any person guilty of illegal dumping and or placing prohibited items at and/or in the dumpster will be fined **\$300.00*** and will be responsible for any costs incurred in the removal of the illegal items or any legal fees incurred in the action taken against the offender.
- 12) No owner shall allow a condition to exist on any lot that will create a nuisance and/or health hazard such as but not limited to: standing water, mosquitoes, offensive odors, piles of junk, piles of construction waste, old appliances etc.

*No Warnings given

ARTICLE X
ENVIROMENTAL

Construction, Trees, and General

GENERAL:

- 1) Commercial signs may not be erected on any lot.
- 2) For sale signs may only be placed inside a window or attached to the house.
- 3) Satellite dishes are permitted but may not be installed on HHPOA property. If you do not know where your property ends it is the responsibility of the homeowner to have the property surveyed.
- 4) All houses must have a house number prominently displayed that can easily be seen from the road in compliance with the Luzerne County Ordinance which states: "Each residence shall prominently display its numbered address. Street address numbers for residences shall not be less than three (3) inches in height and shall be made of a durable and clearly visible material. The numbers shall be conspicuously placed on, above, or at the side of the main entrance so that the number is distinguishable and legible from the street. Where the entrance of a residence is more than fifty (50) feet from the street, or when the residence is not clearly visible from the street, the number shall be placed along a walk, driveway, or another suitable location as near as conveniently possible to the street so that the number is distinguishable and legible from the street by day or night".
- 5) Garage/yard sales are permitted on private property but are limited to 3 days in length and may only be held 3 times in any 12 month period. Members are required to inform the office whenever they are holding a garage/yard sale.
- 6) All yard/garage sale signs must be removed within 24 hours after the event.
- 7) No person shall use HHPOA property for overnight camping (tents, sleeping bags, camping vehicles etc.) except for sanctioned and supervised HHPOA sleep out events held periodically by the recreation committee for the children of HHPOA.
- 8) Acts of vandalism and malicious mischief that cause damage or cleanup costs to a recreational facility or common area shall subject the offender to criminal prosecution.
- 9) Placing leaves or snow on Hickory Hills' roadways is prohibited.

TREES:

- 1) There is no clear cutting of trees or timber on lots in HHPOA.
- 2) Not more than 30% of live trees may be removed from any residential lot. All trees to be removed must be tagged with fluorescent marking ribbon for review by the architectural committee.
- 3) Any cutting that exceeds the 30% rule will be subject to penalty. Additionally, removed trees beyond the 30% designation must be replaced with native trees in quantity to bring the property within code. Replacement must occur within six (6) months after removal.
- 4) Any property owner removing trees without a Tree Removal Permit will receive a fine of fifty dollars **\$50.00** per tree plus any costs incurred.
- 5) Trees which are obviously dead and therefore a danger may be removed without architectural committee approval.

CONSTRUCTION:

- 1) Permitted hours of outdoor construction or noisy interior construction shall be between the hours of 7 A.M. and 8 P.M. Monday through Saturday and Sundays from 9 A.M. to 7 P.M. except in emergency circumstances only.
- 2) No major construction work is permitted after 5 P. M. in HHPOA on observed holidays which are, New Year's Day weekend, Martin Luther King weekend, Presidents' Day weekend, Memorial Day weekend, Independence Day weekend, Labor Day weekend, and Christmas day weekend. Since dates change yearly call the office for exact days. Violators will be fined **\$300.00**. This restriction does not apply to emergency situations.
- 3) A permit, issued by the association, is required for all new construction. This can be obtained by submitting a copy of your proposed blueprint to the HHPOA office along with the amount of the current HHPOA fee.
- 4) No new construction in HHPOA can be done without a current building permit issued by Foster Township.
- 5) Construction of any kind undertaken without an HHPOA permit shall result in the issuance of a fine in the amount of **\$250.00***.

*No Warnings given

ARTICLE XI

PROPERTY MAINTENANCE

The provisions of this Article shall govern the minimum conditions and the responsibilities of owners for maintenance of structures, land, equipment, and all exterior property. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements.

- 1) **Sanitation:** All exterior property, land (developed or otherwise), structures (occupied or otherwise) and premises, shall be maintained in a clean, safe, and sanitary condition. The member shall keep the exterior property in a clean and sanitary condition so as not to cause an eyesore, blight, or adversely affect public health and safety or the general appearance of the community.
- 2) **Grading:** All premises shall be graded and maintained to prevent the erosion of soil.
- 3) **Drainage:** Each owner shall keep drainage ditches and swales located on their lot free and unobstructed and in good repair.
 - a) It shall be the responsibility of the owner of each residential lot to properly maintain and keep that portion of the drainage swale within or abutting such property, and all drainage facilities there, including the driveway pipe serving such property's access, clean and free of obstruction. Failure to comply will result in HHPOA disciplinary and legal action. If the owners of their respective lots do not so maintain and keep such drainage swale clean and free of obstruction then HHPOA may, without any obligation, do so and the cost thereof shall be assessed to the respective owner.

- b) If the owners of their respective lots cannot personally service their portion of the drainage channel they must hire or engage another to perform the service.
 - c) If a claim is presented to or a lawsuit is asserted against HPOA for property damage or other losses sustained by the property owner abutting the drainage swale or others due to water accumulation or flooding, and/or wet/icy conditions caused by a property owner's failure to so maintain their respective drainage swale the responsible property owner shall be held liable by HHPOA for such damages or losses, and for all of HHPOA's costs and attorney's fees in administering the claim or defending the lawsuit.
 - d) HHPOA's drainage maintenance responsibility shall be limited to that portion of drainage swales within or abutting the common areas and its properties. HHPOA shall not be obliged to inspect the drainage swales abutting the residential lots and inform their respective lot owners or occupants of the swale condition but they may do so. Nothing herein is intended to create any duty for HHPOA to any lot owner, resident, tenant, occupant, and otherwise for any harm (injury or damage) to person or property.
 - e) If in the course of scheduled road repairs or the resolution of drainage problems it becomes necessary to install or replace a drainage pipe in front of a homeowner's property, the homeowner will be required to purchase approved pipe and stone. It will be installed by the Association at no charge.
 - f) If it becomes necessary for a homeowner to repair or replace a pipe, conduit, or other entity, it is the homeowner's responsibility to effect the repairs and return the roadway to its exact previous condition. The homeowner must inform the Association of the work to be performed prior to starting the repair. The homeowner will be subject to fines and associated costs if the repairs are not made in a timely manner.
- 4) **Weeds:** All developed lots shall be maintained free from weeds in excess of 10 inches. All noxious weeds shall be prohibited.
 - 5) **Accessory structures:** All accessory structures such as detached garages, sheds, storage building, garbage bins, fences and walls, shall be maintained, structurally sound, and in good repair. Accessory structures must be finished (sided, painted, trimmed and roofed) and should reflect the design of the principal structure on the property.
 - 6) **Exterior Structure:** The exterior structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to public health, safety or welfare, or to create an eyesore or blighted appearance. All wood and metal surfaces, including but not limited to, window frames, doors, door frames, cornices, porches, decks, trim, and roofing shall be maintained in good condition. Peeling, flaking, and chipped paint shall be eliminated and surfaces repainted. Structural damage must be repaired.
 - 7) **Accumulation of Rubbish/Garbage:** All exterior property and premises of every structure shall be free from any accumulation of rubbish or garbage. No area within the boundaries or HHPOA shall be used as a dumping ground for refuse of any kind.
 - 8) **Refuse:** Trash, garbage, or other waste shall be kept in bags, which are to be placed in solid containers with lids and disposed of in a timely manner. All trash containers/receptacles must be properly secured and maintained in good repair.
- 9) **Appearance:**
 - a) No equipment, appliances, or household furniture or fixtures or any kind shall be placed, maintained, or left within the yard area of a lot or remain attached to a building thereat unless customarily a part of or accessory to the house.
 - b) Wood must be stacked neatly on the property or in an appropriate rack for holding wood.

ARTICLE XII

PUBLIC ORDER AND DECENCY

GENERAL:

- 1) **Solicitation** is not allowed in Hickory Hills.
- 2) Persons are prohibited from engaging in any act or undertaking which unreasonably disturbs or harasses or alarms any member or person within the HHPOA community. Any such act that has the potential for serious endangerment to a person or property is prohibited and will be fined accordingly.
- 3) A person is guilty of **disorderly conduct** if, they cause public inconvenience, annoyance, or alarm, or recklessly create a risk thereof, they engage in fighting or threatening behavior, or in violent or tumultuous behavior, make unreasonable noise, use obscene language, create a hazardous or physically offensive condition by any act which serves no legitimate purpose.
- 4) Any person who creates any condition (loud, boisterous activity, excessive volume, etc.), shall be guilty of **public nuisance** when such activity interferes with another person's right to peace or is capable of interfering with another person's peaceful enjoyment of their property.
- 5) A person will be issued a citation if they appear in any public place to be manifestly under the **influence of alcohol** or portrays characteristics of being under the **influence of drugs** and/or alcohol to the degree that they may endanger themselves or other persons or property, or annoys persons in their vicinity.
- 6) **Underage drinking is prohibited** on any HHPOA property.
- 7) Any person that enters the property of another without permission will be cited for **trespassing** except in the case described in **ARTICLE XVI** below.
- 8) It shall be prohibited for any member, resident, visitor, or guest to file a **false report** with HHPOA office and or the Security of HHPOA. Filing of a report that proves false or fictitious is subject to a fine.

MEETINGS:

- 1) At the discretion of the President or upon a majority vote of the Board of Directors, a person may be ordered removed from any meeting, work session, or property of HHPOA for
 - a) Behavior that disrupts, disturbs, or otherwise impedes the orderly conduct of a meeting or the business of the Association after having been ordered to come to order.
 - b) A breach of peace, boisterous conduct, threats, or violent disturbance which disrupts, disturbs, or otherwise impedes the orderly conduct of a meeting or the business of the Association after having been ordered to refrain from such behavior.
 - c) Disobedience of any directive of the President or an order of a majority of the Board which includes an order or directive to be seated or refrain from speaking or addressing the Board, another member, or an employee.
- 2) Any member removed shall be excluded from further accessing the property removed from or attendance at the meeting from which he/she was removed unless granted permission by a motion adopted by a majority vote of the Board.
- 3) The removal of any member for a second violation of these Rules shall exclude that member from attending any other meeting until the annual membership meeting following his/her removal.

- 4) The removal of any member from a third violation of these Rules shall exclude that member from attending any other meeting of the Association for a twelve (12), twenty-four (24) or thirty-six (36) month period as determined by vote of a majority of the Board.
- 5) The exclusion of a member ordered removed from a meeting shall also include the removal and exclusion from the registered office of the Association located at 20 Hickory Hills Drive, White Haven PA 18661 or at any other place as may be designated by the Board or President.
- 6) The President or a majority of the Board may designate a person to carry out the removal of a member for a violation of these Rules.

ARTICLE XIII

BUS STOP

- 1) Every parent or guardian is responsible for their child's safety and behavior while at the bus stop whether or not the parent is present. Any behavior that would endanger the health, safety, or welfare of the children or adults at the bus stop will be considered unacceptable and subject to disciplinary action.
- 2) Everyone must obey the directions of the Security Officer or other designated Association agent.
- 3) There is no passing of school busses.
- 4) All vehicles are required to remain in designated parking spaces or otherwise stationary until all the children have boarded or disembarked school buses and the bus has departed. Violators will be fined **\$100.00.***
- 5) ***** No Warnings given

ARTICLE XIV

RIGHT OF HHPOA TO ABATE VIOLATIONS

As per the By-Laws of Hickory Hills Section 9.14: Abating and Enjoining Violations by Members: The violation of any of the Rules and Regulations of the Association, the breach of any By-law, or the breach or violation of any provision or condition of the Declaration or Covenants or law by a Member or that Member's guests, tenants, or invitees shall give the Board of Directors the right, in addition to any other rights: (a) to enter the lot or improvement in which, or as to which such violation or breach exists and abate and remove such violation at the lot owner's expense, and the Board of Directors or their agent(s), employee(s) and/or contractor(s) shall not be deemed to be guilty of trespass; or (b) to enjoin, abate or remedy by appropriate legal proceedings, either at law or in equity, the continuance of such breach with the lot owner paying the costs of such suit, including reasonable attorney's fees.

ARTICLE XV

ENFORCEMENT, FINES, ARREARS, AND PROCEDEURE

HHPOA and its security personnel are authorized to enforce all rules and regulations and issue Civil Penalties.

FINES & ARREARS:

- 1) All first time violations (except where otherwise specified) will receive a fine of twenty-five dollars (\$25.00) plus costs. Second offenses will receive a fine of fifty dollars (\$50.00) plus costs. All third and subsequent offences will receive a fine of one hundred dollars (\$100.00) plus costs.
- 2) Any unpaid fines, costs, fees, and interest shall render the violator a member not in good standing and result in the suspension of privileges/amenities until such are paid.
- 3) Unless otherwise specified, any fine not paid by the due date listed on the invoice shall be increased by the original amount of the fine for every 30 days of arrears. For example a fine of \$50.00 becomes \$100.00 after 30 days, \$150.00 after 60 days, and \$200.00 after 90 days and so on.
- 4) The HHPOA will institute legal action against any person with unpaid fines to recover the amount owed plus any additional cost incurred including legal fees.

PROCEDURE:

- 1) A civil penalty citation or notice of violation may be issued to a member in person or by regular mail.
- 2) A copy of all citations/violations will be kept in the HHPOA office.
- 3) The date of issuance of the citation/violation shall be the recorded date of in person issuance or the US Mail postmark date.
- 4) A violation or civil penalty citation shall state:
 - a) The alleged violation/civil penalty.
 - b) The action required to abate the violation.
 - c) A time period during which the violation may be abated without further sanction.

ARTICLE XVI
APPEALS

- 1) A member has the right to appeal a violation and/or civil penalty. A written request for appeal of a civil penalty or violation must be received within 15 business days of issuance either delivered in person to the HHPOA office, or by United States Mail. Failure to appeal within fifteen days will be considered an acknowledgement of guilt and the right of appeal to have been forfeited.
- 2) After receipt of appeal request a hearing will be scheduled with the Civil Penalty Hearing Panel. The member must appear in person before the Civil Penalty Hearing Panel.
- 3) The Civil Penalty Hearing Panel will hear, review, and make decisions on any penalty being appealed.
- 4) In the event of denial of appeal the amount of the fine and any associated charges will be billed.
- 5) Civil Penalty Hearing decisions will be delivered by US Mail.