

# Rule Book

## **BEAR CREEK LAKES CIVIC ASSOCIATION**

57 Pool Drive, Jim Thorpe, PA 18229

570-325-3334

[www.BCLCA.org](http://www.BCLCA.org)

2014 edition

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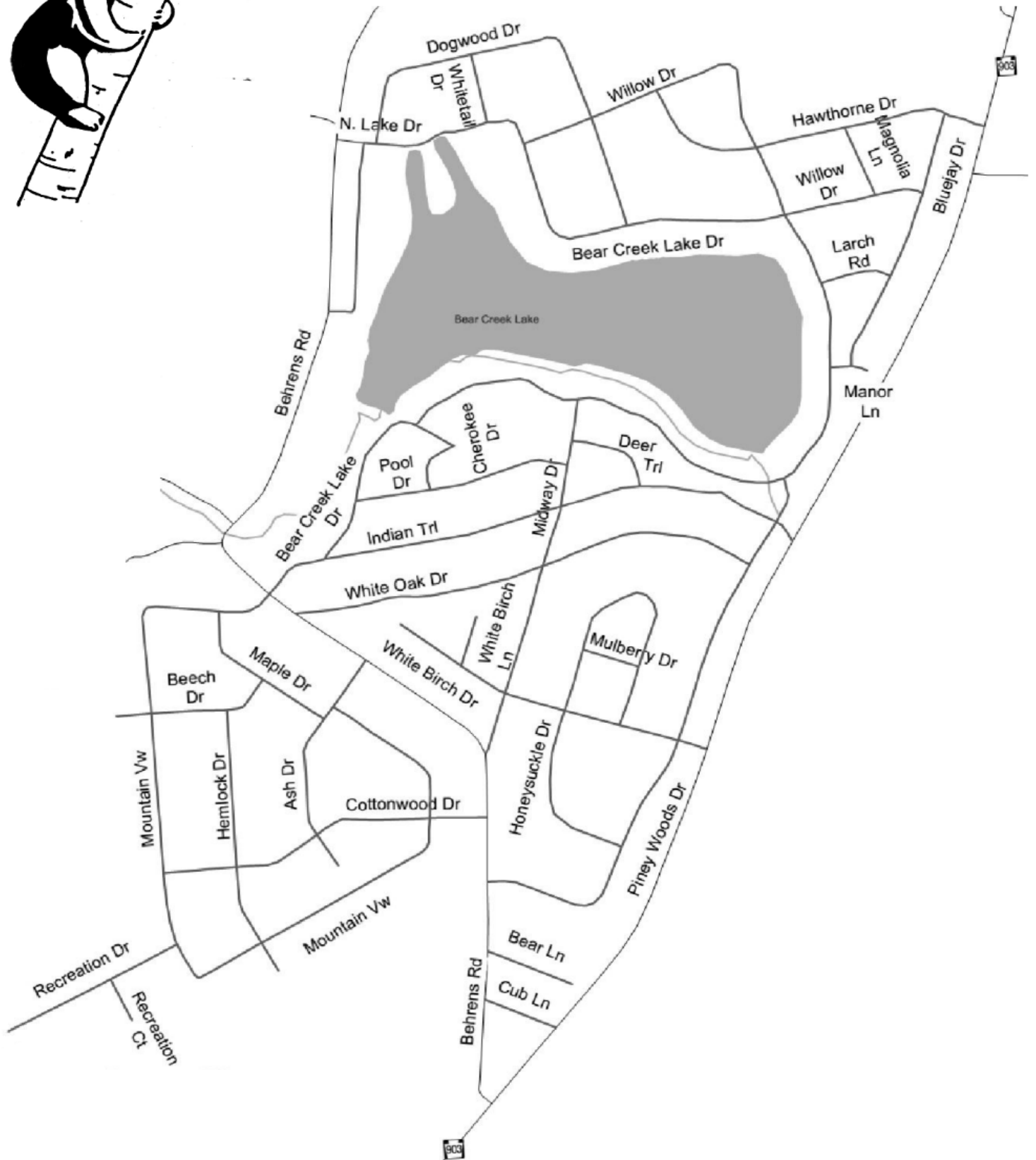
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Revised April, 2014



# BEAR CREEK LAKES COMMUNITY

*Penn Forest Township, Carbon County, PA*



## IMPORTANT TELEPHONE NUMBERS

It is the responsibility of the member to verify these phone numbers for accuracy and to update the entries. Members are to make this listing available to guests and renters.

Procedure: The severity of the emergency determines whether to call 911, BCL Security, or the State Police. In any event, if BCL Security doesn't respond, you must call 911 or the State Police if help is needed.

### **Bear Creek Lakes**

Civic Association Office	570-325-3334
BCL Fax Number	570-325-8156
Maintenance	570-325-8270
Security	570-325-9322

Note: Calls revert to Intrepid Communications Center when officer is not on duty.

<b>State Police, Lehighton Barracks</b>	610-377-4270
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### **Road Conditions**

Carbon County	610-377-1880
Pa. State Turnpike	800-331-3414
	511

### **Penn Forest Township**

Township Secretary	570-325-2768
Building Inspector	570-325-2760

### **Carbon County Communications Center**

Fire Company #1	911
Ambulance (Lehighton-903 Substation)	911
Non-emergency number, Burning Permits	570-325-9123

### **Carbon County**

Court House Information	570-325-3611
K-9 Dog Control (M.-F. 9:00a.m. to 5:00 p.m.)	570-325-4828

Revised/Adapted March 2001, October 2013

## **OVERVIEW**

Please read this booklet and share it with your household members, visitors and friends.

The Bear Creek Lake Civic Association was formed to maintain and advance the social and civic interests of property owners at Bear Creek Lakes. In this connection we ask for your cooperation in understanding and complying with the rules and regulations presented in this booklet.

Trespassers and rule breakers commit an offense against each and every property owner in Bear Creek; therefore, it is up to each of us to be vigilant and report, to security or the Civic Association office, those who trespass on our lake and grounds or break community rules. Reports, using forms available in the Civic Association office, are simple to use and begin the process that enables Bear Creek Lakes to continue to be a quiet, pleasant and safe place to enjoy. Every report that is delivered to the Civic Association office will be presented to the Board of Directors for action. The Board will consider all reports and take appropriate action; but, the Board cannot act on your behalf unless you bring matters to its attention. So -- FOR A BETTER BEAR CREEK -- act in its and your behalf.

## **MEMBERSHIP DEFINITION**

The wording (a) property owner or property owners or (b) homeowner or homeowners and (c) association member or association members as used in the Rules and Regulations booklet refers to "Member or Membership". A member is defined as an owner individually or jointly of one or more real estate lots within Bear Creek Lakes.

## **BCL ASSESSMENT SCHEDULE**

- A. Every member must pay at least one set of dues and one road fee.
- B. If a member owns more than one (1) house \*or lot, the member will pay:
  - 1 set of dues per house
  - 1 road fee per lot

Membership dues on additional homes will be assessed the dues beginning twelve (12) months from the issuance of the BCL permit; when an occupancy permit is issued or when the home is occupied, whichever comes first.

Revised/Adopted: May 1998

Revised/Adopted: May 2001, 2002, Apr. 2003

## **SUGGESTIONS FOR A MORE SECURE BEAR CREEK LAKES**

1. It is suggested that households be protected by an alarm system so as to alert State Police and security. However, homeowners are responsible for having a local contact to turn off the alarm in the event that it is accidentally set off. This contact number should be given to the office.
2. If your house is unattended during the winter months, have someone clear the snow from your driveway to give your house a lived-in look.
3. Stop mail and newspaper deliveries. When you are away, have a neighbor or someone else pick up your mail and newspapers.
4. Do not list your street address in your telephone book listing.
5. Due to the implementation of the 911 emergency system, it is imperative that all properties have their addresses posted. The size and placement of this information must be in compliance with the Penn Forest ordinance enacted on Nov. 10, 2003. (NOTE: At this time, numbers and letters placed on the house must be 5 inches and visible from the street. Numbers and letters must be 3 inches if placed at the street. Script letters or numbers will not be allowed.)
6. If it's suspected that a trespasser is on or about your property or that of your neighbor, or if you observe an unknowing person acting in a suspicious manner, immediately inform security or the State Police.
7. Use automatic timers to provide lighting while you are away from your house. Also connect radios to your timers to have sounds coming from your house.
8. Control your house keys. Do not give your keys to construction contractors. It is very easy for them to have copies made and return to your house at a later date.
9. If you are stopped by security or the State Police, please cooperate with them - they are protecting our interests.
10. If you see a suspicious vehicle on our roads or property, get a description and license number and report this information to security, the Bear Creek Lake Civic Association office or the State Police.

Revised/Adopted: Apr.1997, Mar. 2001, Apr. 2004

**SUBJECT:** Enforcement of Rules/Regulations  
**PURPOSE:** To provide a safe environment for all community members

1. The Board of Directors of Bear Creek Lake Civic Association shall have the power to enforce these Rules and Regulations.
2. A security guard will issue a citation upon viewing a violation of these Rules and Regulations. The security committee may also issue a citation upon receipt and investigation of a written complaint by a member of this association.
3. The security committee will review all citations and impose fines according to the schedule on page 7.
4. The term "offense" means a violation of any Rule or Regulation. Any offense within 12 months of a prior offense is considered a 2nd, 3rd or subsequent offense as applicable.
5. If a member wishes to appeal the issuance of a citation, he/she may request, in writing, a hearing before the Security Committee within twenty (20) days of receipt of the citation. The member will be notified of the time and place of the hearing.
6. The member will be advised of the Security Committee's decision by mail. If he/she does not accept the committee's decision, the member may request, in writing, within 20 days, a hearing before the Board of Directors.
7. If fines imposed pursuant to these Rules and Regulations are not paid, they will be noted on the member's dues record and must be paid before membership badges are issued the following year. If at the time of payment of dues the fines remain unpaid, membership badges will not be issued and unpaid fines will be subject to the same collection as back dues and other assessments.
8. If a citation is issued to a member's renter, guest, invitee or other household resident, the member shall be responsible for payment of any fines and costs imposed.
9. Members will not be responsible for violations by service organizations or deliveries to their home (i.e. Parcel Post).

#### **Guidelines For Complainant**

All complaints will be followed up by the Board of Directors or their designee. In order for the Board of Directors to successfully conclude its investigation regarding any complaints, it will be necessary for the complainant (guard, member, etc.) to appear at any scheduled hearings.

Revised/Adopted Apr.1997, Mar.2001, 2009

**SUBJECT:** Fine Schedule

**PURPOSE:** To establish the fines for violation of the Rules and Regulations of BCLCA.

**CATEGORY 1**

**A. Traffic / Parking**

BASE FINE---	1st Offense	\$ 50.00 plus costs
	Subsequent Offense	\$100.00 plus costs

**B. Additional fine for speeding**

The fine for speeding shall include a **BASE** fine as identified above plus \$5.00 in costs plus an additional fine as follows: MPH OVER SPEED LIMIT (15 MPH)

MORE THAN	UP TO AND INCL.	SPEED	FINE + BASE = TOTAL + COSTS
7	14	(29 MPH)	\$50.00 + \$50.00 = \$100.00 + \$5.00
14	21	(36 MPH)	\$70.00 + \$50.00 = \$120.00 + \$5.00
21	28	(43 MPH)	\$90.00 + \$50.00 = \$140.00 + \$5.00
28	35	(50 MPH)	\$110.00 + \$50.00 = \$160.00 + \$5.00
35	42	(57 MPH)	\$130.00 + \$50.00 = \$180.00 + \$5.00
42	49	(64 MPH)	\$150.00 + \$50.00 = \$200.00 + \$5.00
49	56	(71 MPH)	\$170.00 + \$50.00 = \$220.00 + \$5.00
56	64	(78 MPH)	\$190.00 + \$50.00 = \$240.00 + \$5.00

**CATEGORY II**

**A. Firearms and Explosives**

1<sup>st</sup> Offense \$150.00 minimum to \$300.00 plus costs.

2<sup>nd</sup> Offense \$500.00 plus costs

**B. Feeding Water Fowl**

1<sup>st</sup> Offense – Warning

2<sup>nd</sup> Offense - \$50.00 plus costs

3<sup>rd</sup> Offense -\$100.00 plus costs

**C. Littering**

No Warning ---Subject to a fine up to \$300.00 plus costs

**D. Trespassing**

1st Offense - \$200.00 plus costs

2nd Offense - \$500.00 plus costs (Unpaid citations – Notification letter of defiant trespass and subject to arrest.)

**E. False Security Alarms**

1<sup>st</sup> Offense - Warning

2<sup>nd</sup> Offense - \$50.00

Subsequent Offenses - \$100.00

**F. BCL Boating and Fishing**

1<sup>st</sup> Offense - \$50.00 plus costs

2<sup>nd</sup> Offense - \$100.00 plus costs

**G. Posted Notice**

1<sup>st</sup> Offense - \$50.00 plus costs

2<sup>nd</sup> Offense -\$100.00 plus costs

**CATEGORY 111**

The fine for any violation not identified above will be determined and assessed by the Security Committee and is not to exceed \$500.00. Subsequent Offenses - Fines will be determined and assessed by the Security Committee with Right of Appeal to the Board of Directors

**Note: All citations will be cumulative in a 12 month period within their own category.**

**CATEGORY IV**

A surcharge of \$250.00 for disregarding Permit. \*See Page 26

If a fine is not paid within 60 days, one reminder will be sent. If a fine remains unpaid for 30 days after the letter, a penalty equal to 50% of the fine will be imposed and a lien placed against your property.

Revised/Adopted: Apr.2000Revised/Adopted Mar. 2001, 2002, 2008, 2009, 2011



**SUBJECT:** General Rules, Regulations and Information

**PURPOSE:** To establish Rules and Regulations for general application plus provide information for member's guidance

**A. Rules**

1. Persons below the Pennsylvania State drinking age shall not consume alcoholic beverages or other intoxicants on any road, facility, pool, beach, picnic area or commercial use area of the Bear Creek Lakes Civic Association.
2. No person shall use any B.C.L.C.A. property for overnight camping.
3. Acts of vandalism and mischief that cause damage to any B.C.L.C.A. facility, property or common area shall subject the offender to prosecution and the cost of repair, replacement or restoration plus any administrative costs and any and all other charges relating to the collection of such costs. Members are responsible for damage costs caused by guests or renters.
4. Current badges are required to be worn when using BCL facilities.
5. The use of any B.C.L.C.A. facilities by outside groups will be restricted based on the criteria established by the Board of Directors.
6. Any group using the Recreation Hall and/or pavilion must follow the rules and procedures established for that facility. Please see rental guidelines on page 29.
7. No trespassing will be allowed on the breast of the dam or the dam spillway.
8. Footpaths and trails are for the exclusive use of pedestrians. No motorized vehicles are to be used on the footpaths and trails unless specifically permitted by the B.C.L.C.A.
9. Pursuant to the By-Laws of the Bear Creek Lakes Civic Association (BCLCA), every member must pay dues. In addition, a road assessment must be paid for each lot. All assessments must be paid in accordance with the schedule established by the Board and assessments that are not paid in accordance with the payment schedule will be subject to late fees, cost of collection including legal fees, and shall accrue interest at the legal maximum rate permitted by Act 180.
10. Pursuant to the Uniform Planned Communities Act 180 of 1997, the Bear Creek Lakes Civic Association hereby assesses and imposes a "Capital Improvement Fee" upon the resale or transfer of any lot within Bear Creek Lakes effective Sept., 1998. Said Capital Improvement Fee must be paid by the purchaser or transferee, subject to the exceptions delineated in Act 180, and is due and payable at the time of the resale or transfer of the lot. Effective March 2003, this Capital Improvement Fee for an improved lot will be the full amount of the prior fiscal year's dues and any common assessments for the prior fiscal year. The Capital Improvement Fee for an unimproved lot will be one half of the prior fiscal year's dues plus one-half of any general common assessments for the prior fiscal year.

**B. Information**

1. All covenants and restrictions contained in deeds are enforceable by the Association.
2. Most lots may only contain single family residential dwellings and such detached accessory structures permitted by these rules.
3. It is the intent of the Association to maintain the atmosphere of a family recreational community.
4. Members are expected to engage in proper conduct so as to maintain good peace and good order in the community. Under state law, it is an offense to engage in disorderly conduct.
5. BCL facilities include pool, tennis courts, bocce ball, Recreation Hall, basketball court, playground, pavilion, beaches and boat dock.

Revised/Adopted: Aug.1997, July 1998, Mar.2001, Apr. 2004, 2008, Nov. 2011

## **OUTSIDE GROUPS**

Position: The use of any B.C.L.C.A. facilities by outside groups will be restricted based on the criteria established by the Board of Directors.

## **COMMENTARY**

### **CRITERIA FOR USE**

- Impact on environment
- Impact on facility
- Impact on the neighborhood
- Proof of adequate insurance
- The number of BCL members in the group
- Impact on other BCL facilities
- Size of the group
- Parking availability
- Unforeseen circumstances

**Note:** This list is not all inclusive and the Board of Directors has the authority to interpret this rule to carry out its intent.

**Rationale:** Bear Creek Lakes' facilities are provided for use by members in good standing. However, at times, circumstances might allow the Board of Directors to permit the use of outside groups when the above criteria are considered. It is part of the intent of this rule to prohibit/restrict use by chartered leagues.

Adopted: Mar: 1994

**Subject:** Vehicles

**Purpose:** To establish guidelines, rules and regulations concerning all vehicle types within Bear Creek Lakes.

### **General Rules for Motor Vehicles**

1. All definitions of the Pennsylvania Motor Vehicle Code apply.
2. All traffic signs must be obeyed.
3. Vehicles belonging to BCLCA members must have a BCLCA sticker or placard prominently visible from the rear of the vehicle.
4. Renters and visitors must display a BCLCA placard when parking at any Bear Creek Lakes community facility. BCLCA placards must be provided by the member. Replacing a visitors parking pass will cost \$50.00, and only a member may request replacements.
5. No vehicle is to be operated on the breast of the dam or in the green areas adjacent to the beaches, pool or other common areas of BCLCA.
6. No truck tractor, trailer or combination of any type, wrecker or any other type of commercial vehicle as defined below may be parked, stored or repaired within Bear Creek Lakes.
7. The removal of snow from private driveways onto the community roads is not allowed. It is the responsibility of members to notify their snow removal contractors.
8. A junked, unregistered, uninspected, inoperative, or abandoned vehicle may not be parked, stored, or left to remain on any lot. BCLCA properties may not be used for vehicle engine repair, body repair, or painting.

### **Motor Vehicles Information**

1. Commercial vehicles are defined as a motor vehicle designed or used to transport passengers and/or property. Commercial vehicles are further defined: (1) if the vehicle has a gross weight of up to 13,000 lbs. g.v.w.; (2) if the vehicle is designed to transport 16 or more passengers, including the driver; (3) if the vehicle is transporting hazardous materials and is required to be placarded.
2. Members will be notified when BCLCA stickers are to be changed and/or issued along with the changeover date when new BCLCA stickers take effect.
3. Security has the authority to stop any vehicles without BCLCA stickers and request identification. If found to be unauthorized, individuals will be requested to leave or display the BCLCA placard.
4. BCLCA stickers and two placards will be distributed to the Member. Stickers and placards are not to be transferred to anyone else for any reason. Proof of vehicle registration is required for new stickers. Any individual(s) who reside full time with the Member are eligible for stickers..
5. Each member in good standing will receive two guest/renter BCLCA placards with their badges. It is the member's responsibility to recover the passes from their departing guests/renters.
6. Passes will be color coded, date by year and show the BCLCA Member's name and property location.
7. If you change cars (sell, trade, etc.) you should remove the BCLCA sticker from your vehicle and return it to the office.
8. Security guards have the authority to stop and cite all violators and enforce the rules and regulations.

### **Rules for Sport Vehicles**

1. Sport vehicles must be registered at the BCLCA office. Members are the only ones allowed to register sport vehicles. Renters or guests are not allowed to bring in or register sport vehicles.
2. Every sports vehicle registered will be issued a BCLCA sticker which is not transferable between sport vehicles. Stickers must be visibly displayed on the rear of vehicles.
3. Sport vehicles must be in compliance with current Pennsylvania State Laws if applicable to the particular vehicle.

4. Regulation helmets must be worn by anyone riding on sport vehicles excluding golf carts.
5. Headlights and taillights shall be turned on while operating sport vehicles after dark. NO EXCEPTIONS
6. Snowmobiles are only permitted on snow covered roads. No snowmobiles or other motorized vehicles are permitted on the lake.
7. The maximum number of people on a golf cart shall be limited to five people. All occupants must be seated. Arms and legs may not extend beyond the seating area.

#### **Sport Vehicle Age Restrictions**

1. Operators of sport vehicles, other than golf carts and motorized scooters, within the confines of Bear Creek Lakes must be at least 16 years of age.
2. Operators of golf carts must be 12 years of age or older. Children between the ages of 12-14 must be accompanied by an individual 15 or older when operating a golf cart.
3. Operators of motorized scooters must be 12 yrs. of age or older. Children age 12 and under must wear a helmet as defined by PA. State Law (Feb. 1995) when riding a bicycle or motorized scooter.
4. Golf cart operators between the age of 12 and 16 may only operate golf carts between the hours of 8:00 a.m. and 1 (one) hour after sunset.

#### **Information on Sport Vehicles**

1. Sport vehicles, for the purpose of these rules and regulations, are any of the vehicles known as ATVs (All Terrain Vehicles), golf carts, motorized scooters, four wheelers, three wheelers, other off-road vehicles, mopeds, razors, dirt bikes and snowmobiles.
2. Members are responsible for carrying liability insurance coverage on all sport vehicles.
3. All sport vehicles must be in good operating condition including having proper muffler baffles in place.

#### **Parking**

1. Parking at the pool, beaches, Recreation Hall, tennis courts, baseball field and other BCL facilities is permitted, with the BCLCA stickers or placards. Vehicles without BCLCA stickers or placards are subject to being fined and or towed.
2. Launching boats from a towing vehicle will be done as quickly as possible. Towing vehicles are then to be moved to designated parking areas and not left in the boat launch area.
3. Owners of motor homes or recreational trailers are permitted to park on their own property within the property setbacks. However, they shall not be used as permanent living quarters.
4. Construction equipment may not be parked or stored on residential property beyond the duration of work on the property.
5. No parking is permitted on the shoulder of the road and may be subject to a fine without prior notification and approval of security.
6. No overnight parking on the shoulder of roads will be allowed.

#### **Information**

1. Illegally parked vehicles will be cited and towed, and the vehicle owner will be responsible for any costs from fines and towing fees.

**Subject:** All BCLCA Recreational Areas  
**Purpose:** To establish rules for all BCLCA Recreational Areas

### **General Rules for All Recreational Areas**

1. Recreational areas are for use by members, renters, and their guests only. Badges must be worn at all times when using BCLCA facilities.
2. The use of rollerblades, bicycles, skates, and skate boards are prohibited on all BCLCA's all-purpose courts. Motor vehicles and bicycles must remain outside all recreational areas and kept in the parking areas.
3. No litter or profanity will be permitted in recreational areas.
4. Loud music will not be permitted in recreational areas except for BCLCA activities.
5. BCLCA is not responsible for any articles left in the confines of any recreational area.
6. Any activities at any BCLCA recreation area are at your own risk.
7. BCLCA community activities take precedence over private activities.
8. In exceptional circumstances, the BCLCA board reserves the right to waive or amend any rule.

### **Swimming Pool and Beach Area Rules**

1. The swimming pool will be open to BCLCA members, their guests or renters when a lifeguard is on duty.
2. Lifeguards have authority for disciplinary action in order to regulate the safety and conduct of all persons within the pool and beach areas.
3. Lifeguards have full authority to close the pool due to weather events.
4. Flotation devices such as rafts, scuba diving and snorkeling equipment are prohibited in the pool area.
5. No animals will be permitted within the confines of the recreational areas, pool or on any part of the beach or picnic areas, other than approved assistance animals.
6. No fires or grills are permitted in the confines of the fenced area of the pool except for BCLCA activities. Any use of grills at the beaches is restricted to the picnic areas. Open fires on the beach are not permitted except for BCLCA functions.
7. Children under the age of 12 must be supervised by a responsible person, 15 or older, when using the pool or beaches.
8. Fishing is not permitted at beach areas.
9. Diapers are prohibited in the lake or main pool. Diapered children must use the baby pool. Repeat offenses will be considered as a littering violation. See fine schedule.
10. There will be no diving or swimming permitted in the deep end (diving well) when there is someone on the diving board.
11. All beach umbrellas, beach or deck chairs must be behind the lifeguard stands to give the lifeguards an unobstructed view.
12. No glass containers are permitted at pool or beach areas.

### **Pool and Beach Information**

1. Swimming at the beaches when there is no lifeguard on duty is at the risk of the swimmer.

### **All-Purpose Court, Tennis, Basketball, Volleyball, Shuffleboard, Baseball Field, and Bocce Courts Rule**

1. The courts and field will be open daily from dawn to dusk, weather permitting and will be closed at all other times.
2. Courts are open for use by members, renters, and their guests daily, weather permitting.
3. Appropriate footwear must be worn by everyone on the courts.
4. Players will use courts for one-hour blocks of time. If others are waiting to play, courts must be cleared on the hour; otherwise, players are allowed to continue.

### **Lake Fishing Rules**

1. All Pennsylvania State Fishing Laws and Regulation apply to Bear Creek Lake. Anyone fishing must possess and display a current Pennsylvania fishing license as well as a current BCL member badge.
2. Fishing is not permitted from the dam, the breast of the dam, or at beach areas.
3. BCLCA limits the number of fish kept by each person to four (4) within a twenty-four (24) hour period.
4. The only live bait permitted in Bear Creek Lake are worms, crayfish, nymphs, larvae and pupae or any insects spending any part of their life cycle in Bear Creek Lake waters.

### **Boat Rules**

1. Only electric powered motors are permitted on Bear Creek Lake, never gasoline.
2. Maximum speed for any vessel is five (5) m.p.h..
3. All boats must be registered at the BCLCA office and identified with a BCLCA sticker, visibly displayed above the water line. Only members may register boats.
4. Neither guests nor renters may bring boats to Bear Creek Lake.
5. All boaters must comply with Pennsylvania State Boating laws and regulations.
6. The owner of a boat shall be held responsible for the actions of the occupants and the operator of such boat. All boat occupants must wear BCL badges.
7. No child under twelve (12) years is permitted in a boat unless accompanied by an adult.
8. All boats must stay fifty (50) feet clear of marked swimming areas.
9. No litter may be thrown into the lake.
10. Boats must be launched at the boat dock areas only. Lake front owners are permitted to launch from their own properties.
11. Inflatable devices for 3 persons or smaller and without engines may be launched from beach area. All larger inflatable devices must be launched from the boat dock.
12. Access to authorized boat rack spaces should not be impeded. No boats other than those provided spaces through the lottery system can be stored or kept at the boat dock/storage area. Boats left on the ground will be subject to the issuance of a citation and possible removal.
13. No swimming is permitted at the boat dock, fishing dock, and boat ramp area.
14. All boats must be removed from the boat racks by the date indicated on the application.
15. No anchoring of boats within twenty (20) feet of the buoy near the dam.

### **Boat Information**

1. The land under Bear Creek Lake is owned by the Association, while all waters in Pennsylvania are owned by the State. The Pennsylvania Fish and Boat Commission require all motorized boats to be registered.
2. Any use of the lake by boaters is at the risk of the owner of the boat. The BCLCA shall not be liable for damage or injury resulting from submerged objects or collision. Swimming or diving from boats is at the risk of boaters.
3. Boat racks will be assigned through a lottery system. Any members in good standing must sign a "Boat Rack Registration Form" in order to be eligible for participation in the lottery.
4. The BCLCA is not responsible for loss or damage of any boat resulting from theft, vandalism or negligence.

**Revised/Adopted February 15, 2014**

**SUBJECT:** Badge Control

**PURPOSE:** To establish guidelines for the authorized use of Bear Creek Lakes facilities by Civic Association members

## **RULES**

1. Bear Creek Lakes Civic Association Identification Badges will be given to each Association member household only upon payment of current yearly dues and any outstanding assessments, i.e., back dues, fines, or penalties.
2. Each paid up member will be entitled to ten (10) badges which must be worn at all BCL facilities.
3. Guest badges (\$3.00 each) may be requested by a member for a maximum of three (3) days. Guest badges will not be issued to renters. These badges will only be issued in person to a member of the Association. Badges purchased in advance must be in effect and used within a two-week period.
4. Replacements for lost or stolen badges are available at the BCL office upon payment of a replacement badge fee of \$15.00 each. Following payment of said fee, the member who paid said fee may petition the BCL Board of Directors for a refund, in either whole or part, which shall be granted or denied at the sole discretion of the Board of Directors.

## **INFORMATION**

1. Members renting their homes to other families must provide the renters with badges in order for them to use any facilities. Guest badges will not be issued to renters. Renters are those individuals whose only connection with BCL is the rental of the local residence of an Association member and who replaces the member in the local residence during a specified period of the rental agreement.
2. Association members are financially liable and entirely responsible for the actions of their guests and/or renters and must advise their guests and renters of the policies, rules and regulations of the Bear Creek Lakes Civic Association.
3. Homeowners are responsible for advising their renters of procedures to follow in the event of needed repairs to their property i.e., plumbing problems, broken appliances, disposing of garbage, etc.
4. It is not the responsibility of the Bear Creek Lakes office to provide guidance in these areas.

Revised/Adopted Apr.1997

Revised/Adopted May 1998

Revised/Adopted Mar.2001, 2008

**SUBJECT:** Business/Commercial Ventures and Yard Sales

**PURPOSE:** To establish guidelines, rules and regulations concerning businesses, commercial and yard sales within Bear Creek Lakes

**RULES**

1. Most BCL deeds prohibit the operation of businesses and commercial ventures within its boundaries. BCLCA allows an exception as it relates to yard or garage sales when the following conditions are met:
  - a.) No more than two yard/garage sales may be held by any property owner on any one property in Bear Creek Lakes within a 12 month period. Each sale may not run for more than 3 consecutive days. Anything more than two sales per 12 month period shall be deemed a commercial activity.
  - b.) Any sale notices within the community must be restricted to the community bulletin board and the owner's property and must be removed by the next day following any yard/garage sale.
  - c.) Any repairs for damage to BCL property (including roads) caused as a result of any yard/garage sale will be the responsibility of the property owner.

**INFORMATION**

1. Bear Creek Lakes (BCL) is a recreational/residential community and as such the operation of a business and/or commercial ventures within its boundaries is strictly regulated through deed covenants. Most deeds to property within BCL clearly state a prohibition on operating a business.

Revised/Adopted Mar.1997

Revised/Adopted May 2000

Revised/Adopted Mar. 2001



**SUBJECT:** Health, Safety and Environment Rules and Regulations  
**PURPOSE:** To establish rules, regulations and guidance on health, safety and environment matters

## **RULES**

1. If health or safety hazards are apparent on a property, the owner will be notified and given thirty (30) days to correct the problem.
2. No lot or other area within the boundaries of B.C.L.C.A. shall be used as a dumping ground for refuse of any kind.
3. No trash or garbage will be brought and deposited in the containers at the beaches, pool, picnic area, or any other public area. Trash containers within Bear Creek Lakes are NOT to be used for household refuse. They are provided for incidental litter ONLY.
4. It is the responsibility of each homeowner (or renter) to remove refuse and trash from their property. Homeowners and renters are prohibited from contracting with private trash haulers on a regular basis.
5. Littering i.e., the discarding of trash, garbage, or other waste upon property owned by BCLCA without regard for placement in proper containers, is not permitted. No warnings will be given and violators are subject to a fine up to \$300.00.
6. If a security system is not registered and a false alarm occurs, the owner will be fined according to the schedule on page 7 if the alarm is not turned off within 3 (three) hours.
7. The feeding of waterfowl is prohibited in BCL.

## **INFORMATION**

1. Penn Forest Township has the authority to respond to any unlicensed, uninspected, or inoperable motor vehicles or unattended equipment stored on a property where it is visible or considered to be an unattractive nuisance.
2. Penn Forest Township has the authority to act on any complaints concerning the unkempt repair and appearance of any exterior structures or properties.
3. All audible security alarms must be registered in the BCL office and include a local contact person for turning it off (within 3 hrs.) in the event of a false alarm.
4. It is a requirement of Penn Forest Township rules that every member, guest, or renter follow Penn Forest Township rules for trash removal. A permit to use the transfer station is required by the prevailing township ordinance.
5. Trash, garbage, or other waste shall be placed in suitable bear-proof containers and properly secured.
6. Each owner shall keep drainage ditches and swales located on his/her lot free and unobstructed and in good repair.
7. All property owners shall cut down weeds and other vegetation growing on their lots along any street which may interfere with visibility or the safety of pedestrian or vehicular traffic. The Association has the right to cut down such weeds and vegetation at any time and may enter upon such lot for this purpose. A fine may be imposed.

Revised/Adopted: Mar.1999

Revised/Adopted Mar.2001, 2002, 2008, 2009

**SUBJECT:** Firearms, Explosives, Projectiles and Weapons

**PURPOSE:** To establish rules, regulations, and guidelines on the handling, use and transportation of firearms, explosives, projectiles and weapons within Bear Creek Lakes

#### **RULES**

1. No one shall discharge a firearm including BB guns, air rifles or air pistols anywhere within the boundaries of Bear Creek Lakes.
2. Carrying a loaded firearm, including without limitation (pistol, revolver, rifle, shotgun, flintlock, black powder, air gun, BB gun, bow and arrows or any other device capable of propelling a projectile of any kind) within the boundaries of Bear Creek Lakes is strictly prohibited, except for those persons who have a Federal, State or Local permit to carry the same.
3. There shall be no shooting of sling shots or bows and arrows within the boundaries of Bear Creek Lakes.
4. No one shall detonate or set-off explosives or fireworks within the boundaries of Bear Creek Lakes.
5. There shall be no hunting within the boundaries of Bear Creek Lakes.

Revised/Adopted: Mar.1997

Revised/Adopted Mar.2001, 2002

**SUBJECT:** Open Fires and Outside Burning Rules and Regulations  
**PURPOSE:** To establish rules and regulations concerning Penn Forest Township Ordinance No. 88-1 concerning fires and open burning

**RULES**

1. Outside burning of garbage, rubbish and trade waste is not permitted within the geographical limits of Bear Creek Lakes. It is the responsibility of the homeowner to inform the contractor of this rule.
2. All contractors and builders of houses and other facilities or improvements within Bear Creek Lakes are required to maintain a proper container at a construction site for the removal of trade waste or refuse resulting from construction rather than burning such trade waste and shall make provisions for the ultimate removal of such waste and refuse from the construction site prior to completion of construction.
3. All open recreation fires need approval from the COM Center (telephone 325-911). Recreation fires that exceed 3 feet in diameter will be considered a BONFIRE and are not permitted. All recreation fires must be contained and must have someone in attendance at all times. All rules of safety such as available water must be observed.

**INFORMATION**

1. The only open fires permitted in Bear Creek Lakes are those that meet the regulations set by Ordinance 88-1 of Penn Forest Township, i.e.
  - a.) The fire shall be reported to Carbon County Communications Center to obtain approval of the authorized enforcement agent. This report must be made a minimum of thirty (30) minutes in advance of starting a fire and include the location and size of the fire, approximate burn time, and the name and telephone number of the person supervising the fire
  - b.) The ground within five (5) feet of the fire must be cleared of all combustible material.
  - c.) A source of water, such as a garden hose or a bucket of water, shall be located nearby.
  - d.) The fire must be attended at all times.
  - e.) Leaves, branches and other non-putrescible vegetable matter only are to be burned.
  - f.) There is no practical available alternative method for disposal of material to be burned.
  - g.) No hazardous or other objectionable condition will be created by such burning.
  - h.) No such burning is allowed on any public street or sidewalk within Penn Forest Township or road within Bear Creek Lakes.
  - i.) All such burning takes place during daylight hours. This restriction as to time does not apply to recreational fires
2. Any fire bans enacted by township, county or state emergency needs supersedes any of the above regulations.

Revised/Adopted: Mar.1997, 2001, 2007, 2009

**SUBJECT:** Pet Rules and Regulations

**PURPOSE:** To establish rules and guidelines for the enjoyment and control of animals and pets

#### **RULES**

1. All dogs over six (6) months of age must have a current State license and a current inoculation certificate.
2. All dogs must be on a leash if off the owner's property.
3. Unleashed pets must be confined to the owner's property and must be kept under control at all times.
4. No household pets will be permitted at the pool area, the beaches, the baseball field, the picnic areas or other recreational areas, except that dogs under the owner's control may be permitted at the boat dock.

#### **INFORMATION**

1. Any complaint regarding stray animals and/or pets should be filed with the appropriate county animal control authority.
2. Barking dogs are the responsibility of the homeowners - not Bear Creek Lakes Civic Association.
3. According to deed covenants, no livestock or poultry of any kind shall be raised, bred, or kept on any lot for any purpose.
4. Pet owners are expected to clean up after their pets if off of their property.

Revised/Adopted: Mar.1997

Revised/Adopted Mar.2001, Aug. 2011

**SUBJECT:** Building Regulations and Property Maintenance

**PURPOSE:** To establish rules, regulations and guidance concerning building/construction within the boundaries of Bear Creek Lakes

**RULES**

1. All deed restrictions applicable to lots remain in effect and are incorporated herein as through specifically set forth in these Rules and Regulations. Deed restrictions may be more or less stringent than the building regulations of Penn Forest Township or Bear Creek Lakes Civic Association. In all cases the more stringent of the restrictions will apply.
2. All contractors who perform work within the boundaries of Bear Creek Lakes must be registered with the Civic Association. Contractor work includes, but is not limited to, building, grading/landscaping, home improvements such as additions, roofing, siding, decks, the drilling of wells and the installation of septic systems.
3. Each property is limited to 2 accessory buildings per lot with a combined square footage of 400 square feet. Any exceptions will have to be approved by the BCL Board of Directors whether the accessory buildings are currently in existence or planned for the future. A Penn Forest Twp. Permit must be presented and approved by BCL for all accessory buildings.
4. Any constructions/additions or prefabricated structures will be assessed an architectural/aesthetic/landscaping review fee of \$200.00 or less, based on the scope of the project. This fee is the responsibility of the property owner of record.
5. Each lot owner proposing to build a dwelling and each homeowner who plans an improvement or addition must submit to the Bear Creek Lakes Civic Association the following documents for approval prior to the commencement of the work to be performed:
  - A. Township Zoning & Building Permits
  - B. A complete copy of the owner's deed including deed covenants
  - C. Plot plan of proposed construction including the removal of trees.
  - D. An approved BCLCA driveway installation permit.
  - E. A lot survey for construction of a home or addition. If the Board deems it necessary, it can also be required for the placement of a shed or accessory building.
  - F. A current dated Certificate of Liability Insurance from the contractor's insurance company.
  - G. Approval to commence work will only be given after all of the above has been returned to the BCL office with your check/cash and you receive a copy of the Twp. Bldg. permit with the BCL stamp on it.
  - H. All of the above documents will be reviewed for approval or disapproval within four weeks.
  - I. Building permits must be displayed at building sites in such a manner as to be visible from the road. Property owners are responsible for ensuring that building contractors comply with the BCL Building Regulation
  - J. As a condition of approval for a new dwelling, any addition, or a garage, the lot owner shall deposit with BCLCA financial security to secure completion of the new dwelling, addition or garage in accordance with the deed covenants and these rules and regulations. In the case of a new home, the amount of the financial security shall be \$7,500.00; and in the case of an addition or a garage, the amount of the financial security shall be \$2,500.00.
  - K. Without limitation as to other types of financial security which BCLCA may approve, a performance bond issued by a bonding company acceptable to BCLCA; or, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions, shall be deemed acceptable financial security for the purposes of section J above.
  - L. In the event the new dwelling, addition or garage is not completed in accordance with the deed covenants and these rules and regulations, in addition to any other rights or remedies BCLCA may have to enforce such completion, BCLCA may enforce any corporate bond or other security by appropriate legal and equitable remedies.

6. Lot owners must comply with State regulations regarding "wetlands".
7. All developed lots that have drainage and/or run off problems as a result of driveway needs and all new construction will have to be reviewed by the road committee for the determination of drainage pipe needs at the driveway.
8. A driveway permit (\$25.00) is needed prior to paving any new or existing driveway.
9. All homeowners and contractors shall be required to maintain a clean site during construction. All lumber piles are to be neat and orderly at the end of the work day. All construction debris is to be removed and be placed in a dumpster, suitable container or construction vehicle. No construction debris is to be left visible on the construction site at the end of the working day. The covering of debris with tarps is not acceptable. (See list of qualifying accessory buildings on P. 26a)
10. All construction sites must maintain an erosion and sediment control barrier until the construction is complete.
11. All external components of a home construction or addition construction must be completed in 9 months from the date of permit issuance.
12. Prior to construction, contractors and homeowners will receive a detailed plan for preparing and maintaining the site during the period of construction.
13. During any new construction, a porta-potty must be maintained on the site.
14. Homeowners are responsible for ensuring that any damage to BCL roads is repaired/reconstructed according to BCLCA specifications.
15. There shall be no construction by outside contractors prior to 7:00 a.m. or after 8:00 p.m. Monday through Friday and prior to 9:00 a.m. or after 7:00 p.m. on Saturday and Sunday. No construction at all is allowed on Memorial Day, Independence Day or Labor Day.
16. A Penn Forest Township occupancy permit shall be issued within twelve (12) months of construction commencement, verifying completion of a dwelling or garage. Appeal process: The Board at its discretion may grant an extension.
17. Property owners desiring to sell their real property, i.e., lots with or without improvements, may post a maximum of three (3) "For Sale" signs or permit real estate agents to post a maximum of three (3) signs during the period when there is a valid real estate listing agreement in force. No sign can be larger than 24"x 24".
18. Building contractor and lawn care/landscaping signs are permissible only during the period the work is in progress. No contractor sign may be larger than nine (9) square feet. Building contractor signs must be removed within nine (9) months of the issuance of the building permit or at the time an Occupancy Permit is received, whichever occurs first. Property owners are responsible for ensuring that contractors comply.
19. The construction and use of outside furnaces for home heating are not permitted in the Bear Creek Lakes Community.
20. Any members not in compliance with deed covenants or BCL regulations may be subject to a "stop work order". See other side for details.
21. To cover extra administrative costs, a surcharge of two hundred fifty (\$250.00) dollars shall be added to the fee for all permits or approvals required by the Civic Association for any type of activity or conduct, including building/construction permits, shed permits, driveway permits and approval for tree removal, if such activity or conduct is initiated prior to application for a permit or approval.

**Property Maintenance Code:** All Bear Creek Lakes properties shall be maintained to prevent deleterious effects on the community. Such effects include physical appearance, safety, and public health. Violations shall be subject to penalty after a first warning and fined as littering.

The BCLCA requests owners abate the following nuisances:

**Litter:** No owner shall permit litter to accumulate on their property. No owner shall accumulate, permit or store items on the exterior of the property such as furniture, laundry, durable goods (refrigerators, washers, dryers, etc.), tires, automotive products, residual waste or construction or demolition debris.

**Weeds, grass, and vegetation:** No owner shall permit vegetation on the property to grow in such a manner as to create a public nuisance. No cut brush or discarded cut vegetation shall accumulate on a property, creating a fire hazard.

**Vehicles:** A junked, unregistered, uninspected, inoperative, or abandoned vehicle may not be parked, stored, or left to remain on any lot. BCL properties may not be used for vehicle engine repair, body repair, or painting.

### **Information**

1. All above ground fuel tanks should be screened in for aesthetic reasons.
2. Through the deed covenants of Bear Creek Lakes, the right to govern the removal of trees has been given to the Board of Directors. With the cooperation of community members, it has not been necessary to enact rules related to this issue. However, the Board requests that tree removal be limited to the area needed for construction or to maintain a safe environment. The effect of total tree removal on a lot can lead to flooding, eventual pollution of the lake and other related problems.
3. The Board of Directors has approved the following definition for an accessory building- "A structure detached from a principal structure on the same lot and used for a purpose customarily incidental and subordinate to the principal structure or use."
4. Accessory buildings include the following: detached garages (built prior to 9/07); storage sheds; boat/car/ RV storage; shelters, gazebos; swimming pool.
5. All roads in the development were deeded to and are owned by the Civic Association with the appropriate right of way. The deeded road is wider than the paved cart way and the paved cart way is often not located in the exact middle of the deeded road. Before installing any fences or planting any trees or shrubs in the right of way, you should be sure where your property ends and the Assoc. right of way begins. In order to install anything in the right of way (driveways, storm water/drainage facilities) you must obtain prior written approval from the Civic Association.
6. Any fire bans enacted by the Township, County or State Emergency needs, supersedes any of the above regulations.

A Stop Work Order may be issued by any Board Member when (1) construction, alterations. Or repairs (Work") is being done without a required permit; (2) work is being done in violation of or non-compliance with a permit; or, (3) work is being done in violation of or shall state the violation or reason for non-compliance, what must be done to correct the violation or come into compliance, and that the lot owner has the right to appeal the Stop Work Order to the Security Committee within twenty (20) days of issuance.

The Stop Work Order shall be posted at a conspicuous location on the lot and a copy shall be either (1) hand delivered to the lot owner according to the Association's records; or (2) sent by First Class Mail to the lot owner according to the Association's records at the address shown in the Association's records.

Notwithstanding the issuance of a Stop Work Order, the lot owner and/ or the contractor is permitted to take such action as may be reasonably necessary to secure the site and protect against harm or damage to any damage to any person or property, including the Work.

Revised/Adopted May 2009, 2011, Feb 2013

**SUBJECT:** Erosion and Sediment Control

**PURPOSE:** To protect and maintain the quality of Bear Creek Lake as well as all other effects of drainage within the community.

**RATIONAL:** All properties, in one way or another, have an effect on the quality of Bear Creek Lake. This effect can be through pollutants, soil erosion, and/or drainage changes. It is the responsibility of the Association to take all steps necessary to ensure a high degree of quality.

**A. RULES RELATING TO LAKEFRONT PROPERTY OWNERS EFFECTIVE JUNE 1, 2010**

1. All private lakefront owners with sand beaches must have a bulkhead or other control material to contain the sand and limit washout into the lake.
2. All lakefront owners with fine grass lawns must maintain a buffer of native grasses, vegetation or sand with an appropriate bulkhead between the grass lawn and the normal pool level of the lake.
3. The installation of a bulkhead, shoreline stone or dock on lakefront property must have the approval and a permit from the appropriate state agency and the Association.
4. The installation or the major refurbishing of any sand beach must have the approval of the Association.

**B. RULES FOR ALL PROPERTY OWNERS**

1. All projects involving excavating for landscaping projects involving earth moving ie regarding or adding soil must be approved by the Association.
2. All projects involving land disturbance must have erosion and sediment controls in place until the project is completed.
3. The use of chemical treatments on lawns is prohibited due to the large number of property wells and the eventual effect on the lake.
4. All contractors working on projects must be registered with BCL and provide the Association with a certificate of insurance for 1 million dollars.

**INFORMATION**

1. Any lot found by the Board to be in violation of these rules will be contacted regarding the violation. The Board reserves the right to issue a stop-work order for non-compliance and/or issue a per-diem fine until violation has been corrected or a hearing is held.
2. Through the Deed Covenants of Bear Creek Lakes, the right to govern the removal of trees has been given to the Board of Directors.

Approved: March 2008



### **Recreation Hall Rental Procedures**

1. Stewart Hall shall only be rented by BCL members in good standing.
2. The hall shall be rented for parties or groups of not more than 60 persons.
3. The hall shall be rented for social/recreational purposes only. Examples of such use are birthday, wedding, anniversary, graduation and retirement parties; family gatherings and reunions and other social functions hosted by BCL members. .
4. The hall shall normally be rented for a period of time not to exceed six (6) hours. Arrangements may be made so that set up or decorating may be done in advance.
5. No overnight rentals will be permitted. There are no sleeping facilities and limited rest room facilities on the premises.
6. Persons desiring to rent the hall for private functions will complete and sign a rental agreement, available in the BCL office and pay required fees. The current rental fee is \$35.00 along with a refundable security deposit of \$100.00. The above stated rental fee and deposit will be waived for non-private functions that are open to all BCL members and do not collect a fee or donation.
7. Any adult group (18 or older) scheduled on a regular basis and involving a fee or donation for the activity will be charged a rental of \$5.00 for each day scheduled.
8. Prior to the refund of any security deposit, the hall must be cleaned and left in good order and shall be inspected by a BCL Board Member.
9. Lessor reserves the right, in its sole discretion, to require a certificate of insurance.
10. Any other BCL group that wants to use the Recreation Hall on a scheduled basis needs the approval of the Board of Directors.
11. Furniture may not be borrowed or removed from the Recreation Hall.
12. Smoking is not permitted in Stewart Hall.

#### **INFORMATION:**

1. The schedule available for rentals will be determined in February after the Recreation Committee has set up their activities for the year.
2. Rentals may be made 12 months in advance with the appropriate deposit.

Revised/Adopted: March 2000, May 2000, Mar.2001, May 2005, May 2006, and May 2008

## Bear Creek Lakes Civic Association-Tree Preservation Rules

In order to administer the following deed covenant requiring written permission of BCLCA prior to removal of any trees on properties in Bear Creek Lakes:

*8) Grantees agree not to clear brush, trees or anything else of an inflammable nature, without first obtaining written permission of grantor (BCLCA) to do so."*

1. Clear cutting any lot without the written permission of BCLCA is expressly prohibited. A minimum fine of \$10,000 shall be imposed on any lot owner who violates this provision.
2. All BCLCA building applications shall include information about tree removal restrictions.
3. Trees may not be removed in the set-back areas or in the association's roadway easement except for the minimum necessary to provide egress/ingress.
4. A sufficient area may be cleared of trees for house construction, sand mound and driveway and as a border, not to exceed twenty feet, around house.
5. If the construction process requires additional trees to be removed, those trees must be identified in advance and replaced with a minimum two-inch diameter sapling within six months of constructional completion.
6. Existing house lot owners, who want to remove trees for any purpose, including those dead or dangerous, shall submit a tree-removal application showing trees to be removed. The association may at its option require replacement of trees removed at other locations on the lot upon mutual agreement as to location.

### Definitions:

- A "tree" has a minimum trunk diameter of four inches at a height of thirty-six inches above ground.
- "Clear cutting" shall be defined as the removal of more than 50% of the trees within a lots interior (i.e. within the lots set-back lines); and/or the removal of any trees within fifteen (15') feet of the lots boundary lines, except for the minimum necessary to provide egress/ingress.
- "Clear cutting" includes both
  - (1) The removal of more than 50% of the trees within a lots interior (i.e. within the lots set-back lines); and, it also means
  - (2) The removal of any trees within fifteen (15') feet of the lots boundary lines, except for the minimum necessary to provide egress/ingress.

(Note: It is the intent of the Board to utilize any fine revenue derived from the enforcement of this rule to mitigate storm water issues.)

Adopted 2/20/2010, Oct. 2011

## **BY - LAWS OF BEAR CREEK LAKES**

### **CIVIC ASSOCIATION, INC.**

#### **ARTICLE I**

##### **PURPOSE**

Bear Creek Lakes Civic Association, Inc. (hereafter known as the Association), a non-profit corporation is formed to maintain and advance the social and civic interests of the property owners at Bear Creek Lakes and Penn Forest Inn & Country Club, Inc., Penn Forest Township, Carbon County, Pennsylvania.

#### **ARTICLE II**

##### **MEMBERSHIP**

1. **Qualifications**  
Each member must be the owner, by Deed or Agreement of Sale, individually or jointly, of one or more real estate lots within the boundaries of Bear Creek Lakes, comprising property of Bear Creek Lakes, Inc., and Penn Forest Inn & Country Club, Inc.
2. **Loss of Membership**  
A member is ineligible to participate in membership meetings, vote at any membership meetings, use any facilities owned or operated by the Association or to use or otherwise benefit from any of the privileges of membership in this Association if he is found to be in violation of the Rules and Regulations of the Association or is delinquent in payment of dues or other obligations to the Association.
3. **Dues**
  - A. Each member shall pay to the Association the amount of dues and other assessments as designated by the Board of Directors within thirty (30) days after receipt thereof.
  - B. All persons purchasing property at Bear Creek Lakes, Inc., or Penn Forest Inn & Country Club, Inc., during the year and therefore becoming a member of this Association shall pay dues for the year of purchase as prorated from the date of closing.
  - C. The amount of dues shall be set annually by the Board of Directors by dividing the approved budget by the number of voting members of the Association on the date of budget approval.
  - D. In case of non-payment of dues or assessments within the period specified above, the Treasurer or Secretary of the Association shall notify the delinquent member that unless the amount due is paid in full, the member's voting and participation rights will be automatically suspended and that legal action will be taken to obtain payment.

4. Voting Rights  
Active members in good standing shall have the right at every membership meeting to one (1) vote. In case of joint ownership, the joint owners shall be entitled collectively to one (1) vote.
5. Duration of Membership
  - A. Membership in the Association shall be coextensive in time with the member's ownership of his lot and shall terminate upon cessation of such ownership.
  - B. Membership in the Association is not otherwise transferable or assignable.

### **ARTICLE III**

#### **MEETING OF MEMBERS**

1. Annual Meetings  
Two meetings of the Membership shall take place at such time and place as designated by the Board of Directors.
2. Special Meetings  
Special meetings of the members may be called at any time by the President, five (5) or more members of the Board of Directors, or members entitled to cast at least fifteen percent (15%) of the votes which all members are entitled to cast at the particular meeting. At any time, upon written request of any person who has called a special meeting it shall be the duty of the Secretary to fix the time of the meeting which shall be held not more than sixty (60) days after the receipt of the request. If the Secretary shall neglect or refuse to fix the time of the meeting, the person or persons calling the meeting may do so. Business transacted at all special meetings shall be confined to the subjects stated in the call and matters germane thereto.
3. Notice  
The time, place and purpose of the annual and any special meeting will be contained in a written notice to all members at least five (5) days before the meeting date. In the case of a special meeting, the notice shall specify the general nature of the business to be transacted.
4. Quorum
  - A. A meeting of the members shall not be organized for the transaction of business unless a quorum is present. The presence, in person, of at least five percent (5%) of all members eligible to vote at such a meeting shall constitute a quorum.
  - B. If a quorum is not present, no business shall be transacted except to adjourn to a future time.
  - C. If a quorum is present, the members present at that meeting can continue to do business until adjournment, notwithstanding the withdrawal of enough members to leave less than a quorum.

5. Challenge of Member

If at any meeting the right of a person to vote is challenged, the presiding officer shall require such books or records to be produced as evidence of the right of the person challenged to vote, and all persons who appear by such books or records to be members entitled to vote may vote.

**ARTICLE IV**

**BOARD OF DIRECTORS**

1. Number

The Board of Directors shall consist of fifteen (15) Directors, all of whom shall be voting members in good standing, consisting of four (4) officers and eleven (11) other directors.

2. Term

The Directors shall be elected at each annual meeting to serve for a term of three (3) years or until their successors have been elected and qualified.

3. Procedure for Nomination

No Director shall be elected at any membership meeting unless he shall have been nominated in one (1) of the two (2) following ways:

A. By the Nominating Committee

At least four (4) weeks prior to the date of each annual meeting, the Board of Directors shall either nominate candidates for the office of Directors or appoint a Nominating Committee which shall make such nominations. The nominations shall be set forth in the notice of the annual meeting.

B. By the Members

Additional nominations for Directors may be made from the floor at the Annual Meeting.

4. Powers

A. The Board of Directors shall have the power to institute Rules and Regulations governing the conduct and activities on the property and facilities which the Association owns, operates or controls.

B. The Board of Directors shall have all powers and authorities expressly conveyed by these By-Laws.

C. In addition to the powers and authorities by these By-Laws expressly conferred upon them, the Board of Directors may exercise all powers of the corporation and do all such lawful acts and things as are not by statute or by the Articles or by these By-Laws directed or required to be exercised or done by the members.

5. Meetings

A. Regular meetings of the Board shall be held at such times and place as a majority of the Directors may from time to time appoint or as may be designated in the notice calling the

meeting.

- B. Written notice of every meeting shall be given to each Director at least five (5) days prior to the day of the meeting.
- C. Special meetings of the Board may be called at any time by the President and shall be so called by him upon written request of any five (5) Directors.
- D. A meeting of the Board shall not be organized for the transaction of business unless a quorum is present. The presence in person of eight (8) Directors shall constitute a quorum.

6. Vacancies

Vacancies in the Board of Directors shall be filled by the majority vote of the remaining Directors so long as a quorum is available for the election. If less than a quorum (eight Directors) remain in office, the remaining Directors may elect temporary Directors to serve for a period not to exceed sixty (60) days during which time a special meeting of the membership shall be called which shall either confirm the Directors elected by the Board or elect others to replace them.

7. Removal of Director

A. Reason for Removal

A Director may be removed from office for the following reasons:

- 1) Non-performance of the duties required of a Director in carrying out the assignment of a Director as given by the Board of Directors, President or Committee-Chair of the Board of Directors; or,
- 2) Failure to attend three (3) consecutive meetings of the Board of Directors without prior notification of intended absence. Notification of intended absence shall be by contact with the Civic Association Office or any officer of the Association. Said notice shall include the reason for the inability to attend the meeting.

B. Procedure for Removal

A complaint requesting the removal of a Director from office for the reasons stated in Paragraph 7 (a) above shall be made to the Board of Directors. The Board of Directors, excluding the challenged Director, shall initially determine whether sufficient reason exists to hold a hearing on the charge raised. If the Board feels sufficient reason exists, a time and place for a hearing will be set and the challenged Director notified. The Director should attend the hearing to defend his actions. The challenged Director has the right to be defended by an attorney if so desired. After the hearing, the Board will determine if the Director's failure has been proven by the evidence. If it is determined by the affirmative vote of eight (8) remaining Directors that the challenged Director has failed to carry out his or her duties or failed to attend three (3) consecutive meetings as required herein, the challenged Director will be removed from office. If a Director is removed from office, Article IV, Paragraph Six (6) of these By-Laws will apply to fill the vacancy.

## **ARTICLE V**

### **OFFICERS**

1. **Election**

The executive officers of the corporation shall be elected by the Board of Directors at an organizational meeting to take place within thirty (30) days after the election of said Board and shall be a President, Vice President, Secretary, Treasurer and such other officers and assistant officers as the needs of the corporation may require. The President and Secretary shall be natural persons of full age; the Treasurer, however, may be a corporation, but if a natural person, shall be of full age.

2. **Term**

Each officer shall hold his position for a term of one (1) year but shall continue to hold office until his successor is elected.

3. **President**

The President shall be the chief executive officer of the corporation; he shall preside at all meetings of the members and Directors; he shall have general and active management of the affairs of the corporation; shall see that all orders and resolutions of the Board are carried into effect, subject, however, to the right of the Directors to delegate any specific powers, except such as may be by statute exclusively conferred on the President, to any other office or officers of the corporation. He shall be EX-OFFICIO a member of all committees and shall have the general powers and duties of supervision and management usually vested in the office of the President.

4. **Vice-President**

In the absence or disability of the President, the Vice-President shall exercise his powers and perform his duties; and any action of the Vice-President done with the apparent scope of his authority shall be valid and binding upon the corporation.

5. **Secretary**

The Secretary shall attend all sessions of the Board and all meetings of the members and act as clerk thereof, and record all votes of the corporation and the minutes of all its transactions in a book to be kept for that purpose; and shall perform like duties for all committees of the Board of Directors when required. He shall give, or cause to be given, notice of all meetings of the members of the Board of Directors, and shall perform such other duties as may be prescribed by the Board of Directors or President, under whose supervision he shall be. He shall have custody of the Seal of the corporation; shall affix the same documents, and shall, immediately after the election of officers, notify the persons elected of their election as such. He shall keep the minutes and records of the proceedings of the Board of Directors and the minutes and records of the corporation. In the absence or disability of the Secretary, an Assistant Secretary, or a Secretary pro tempore, shall perform his duties.

6. **Treasurer**

The Treasurer shall have custody of the corporate funds and securities and shall keep full and accurate accounts of receipts and disbursements in books belonging to the corporation, and shall keep the moneys of the corporation in a separate account to the credit of the corporation.

He shall receive, collect and hold, subject to the order of the Board of Directors, all moneys, notes, deeds, bonds and other securities and shall disburse the funds of the corporation as may be ordered by the Board, taking proper vouchers for such disbursements,, and shall render to the President and Directors, at the regular meetings of the Board, or whenever they may require it, an account of all his transactions as Treasurer and of the financial condition of the corporation.

7. Vacancies

If the office of any officer or agent, one or more, becomes vacant for any reason, the Board of Directors may choose a successor or successors, who shall hold office for the unexpired term in respect of which vacancy occurred.

**ARTICLE VI**

**BUDGET**

1. Preparation

The budget of the Association shall be prepared annually by the Board of Directors and shall be submitted as a package to the membership for their approval.

2. Membership Approval

The membership shall vote on approving the proposed budget as a single package at an annual meeting. The notice for said meeting shall clearly state that the budget will be voted on at that meeting.

**ARTICLE VII**

**TRANSACTION OF BUSINESS**

1. Incidental Profit

Whenever the lawful activities of the corporation involve among other things the charging of fees or prices for its services or products, it shall have the right to receive such income, and in so doing, may make an incidental profit. All such incidental profits shall be applied to the maintenance and operation of the lawful activities of the corporation, and in no case shall be divided or distributed in any manner whatsoever among the members, Directors or officers of the corporation.

2. Checks

All checks or demands for money and notes for the corporation shall be signed by such officer or officers as the Board of Directors may from time to time designate.



## **ARTICLE VIII**

### **AMENDMENT**

These By-Laws may be amended by two thirds (2/3) vote of those members eligible to vote who are present and voting at any annual meeting of the Association, provided that written notice of the proposed amendment has been given thirty (30) days prior to the vote on said amendment.

AMENDMENTS MAY BE PROPOSED BY (1) THE BOARD OF DIRECTORS OR (2) BY NOT LESS THAN TEN (10) MEMBERS IN GOOD STANDING WHO SUBMIT THE PROPOSED AMENDMENT(S) IN WRITING TO THE BOARD OF DIRECTORS. THE BOARD OF DIRECTORS MAY NOT REJECT MEMBERS PROPOSED AMENDMENTS WITHOUT A VALID REASON. (Paragraph added September 1991)