

<b>Beech Mountain Lakes Association Policies</b>			
<i>Section:</i>	<b>3.0 Homeowner Property Upkeep</b>	<i>Effective Date:</i>	<b>October 1, 2020</b>
<i>Policy:</i>	<b>3.1 Ditches &amp; Swales</b>	<i>Supersedes:</i>	<b>Jan 1, 2015</b>
<i>Approved by:</i>	<b>6 of 6 Board Members</b>		

***If applicable, the exact amount of the fee, fine or deposit that may be referenced in the below policy can be found in the Schedule for Fees and Fines (found by following this link).***

***If permits are required for this policy:***

- 1. Beech Mountain has 30 days from the date of submission to approve the permit.***
- 2. It is your responsibility to check with Butler Township for any permits needed to ensure you are in compliance with their policies.***

**RECITALS:**

- A. Whereas, the Beech Mountain Lakes Protective Covenants, Declarations, and Rules and Regulations, from hereon referred to as the "Policies," describe how a property may be used, developed, and maintained within the community.
- B. Whereas, the Association, under Section 13.15 of The Beech Mountain Lakes Protective Covenants, has the power to implement general use restrictions.
- C. Whereas, the property owner, under Section 3 of the Policies and section 13 of the Covenants, is charged with certain responsibilities regarding the care, maintenance, service, and preservation of property within the Beech Mountain Lakes Association in Drums, Pennsylvania.
- D. Whereas, the Beech Mountain Lakes Association, from hereon referred to as the Association, under Sections 3.7 and 13.1 of the Covenants, is granted the authority to maintain, restore or repair any lot, whether occupied or unoccupied, the cost of which shall be a personal charge to the owner.
- E. Whereas, the Board of Directors wishes to update the following uniform policy for evaluation, installation, and maintenance of ditches and swales.

Now, therefore, let it be resolved that the Board of Directors updates the following policy for the evaluation, installation, and maintenance of ditches and swales :

**GENERAL:** Each property owner shall keep any drainage ditches and swales located on his/her property free and unobstructed and in good repair. Owners shall provide for the installation of culverts upon the property as may be required by the Administration.

**1. Implementation during Property Development Period:**

- a. When a property is being developed, the ACC or Board of Directors (BOD) shall review and approve plot plans, and legible house plans, which are to scale with finished grade

lines identified, driveway-culvert pipe(s) located, and drainage to culvert ditches identifying erosion control and drainage means.

- b. All driveways leading from the main road to the house must have 15” double wall culvert pipe, which must be approved by the ACC or BOD. There will be an inspection fee for this inspection.
- c. Roadway swales and culvert pipes must remain open at all times. The property owner/contractor is responsible for repair of any damage caused by erosion during construction. Swales are to be cleaned and graded properly by the contractor.
- d. Any damage done to any roadways, shoulder, aprons, ditches, etc., from any activity connected with the house construction, will be immediately repaired, such restoration to be to the satisfaction of Beech Mountain Lakes Association, Inc. All costs involved are to be borne by the property owner and/or the building contractor.
- e. The ACC or BOD will identify the damaged area. The General Manager will notify the property owner/contractor via letter so that there is a record of the date of the occurrence. Repair to the damaged area is to be resolved prior to security deposits being returned and the property owner taking occupancy.
- f. The property owners are responsible for the maintenance of their properties’ swales, keeping them clear of leaves, weeds, and other debris which could hinder the flow of water in the swale.

## **2. Maintenance Pre and Post Property Development**

- a. **Identification and Verification** –During pre-construction the ACC or BOD, and post construction, the Code Enforcement Officer will provide the general manager or his designated officer with a list of properties which are deemed in violation of BMLA covenant 13.15. The General Manager will then recommend a “scope of work,” a detailed list of what needs to be done to return the property to compliance. The general manager shall visit the property, verify the infraction, and review the recommended repairs.
- b. **Property Owner Notification and Performance** – The property owner shall be notified of the infraction via certified mail return receipt, and first class mail. The notification letter will identify:
  - 1) The infraction(s) being cited,
  - 2) The recommended resolution(s),
  - 3) The covenant/policy number,
  - 4) Penalties for failure to comply.

All repairs must be completed within thirty (30) calendar days from the date of the notice of violation letter. All extensions authorized must be in writing by the General Manager with the revised completion date identified.

Extensions are to be granted only for specific hardship cases or inclement weather, which precludes satisfactory completion by the due date. The property owner is required to make all corrections as indicated in the violation letter by the specified date, and notify the General Manager of the planned start date, and the actual completion of

the cited infractions' rework. The General Manager will perform a follow-up inspection, and the property owner will be notified of the findings within seven (7) business days. Should the property owner not make the corrections as indicated in the letter by the specified date, BMLA is authorized to administer performance of the effort.

c. **Remedial Efforts** – BMLA is authorized under Sections 3.7 and 13.1 of the Covenants to maintain, restore or repair any property/easement, and is authorized to administer performance of the effort. BMLA can, at its discretion, have all remedial effort performed, as identified in the violation notification letter.

d. **Cost Recovery** – BMLA will establish all costs associated with the effort. The property owner will be billed for the total cost of the remedial effort plus an additional 15% for administration. The bill will be sent certified mail return receipt requested and first class mail, and the property owner will have thirty (30) days from the billing date to pay the bill. The total cost and fee shall be added to the property owner's account as a personal charge per Section 7.9, and if not paid within the thirty (30) day period, shall be deemed delinquent and subject to the provisions of Section 7.18 Non-Payment of Assessments and Other Charges, whereas a late fee of will be imposed, and the rights of the owner to use the common areas may be suspended.

3. The General Manager will maintain a file and track the process to ensure that the policy is being implemented uniformly, accurately and in compliance with BMLA Covenants and By-Laws.

4. Nothing in this policy shall be interpreted to negate any other portion of the Covenants of the Association.

**Effective Date**

In witness whereof, the undersigned have executed this resolution on the 1<sup>st</sup> day of October, 2020.

Signature on file in Admin office

Signature on file in Admin office

President

Secretary