

**RESOLUTION OF THE EXECUTIVE BOARD OF  
NEW DAWN II HOMEOWNERS' ASSOCIATION  
ADOPTING POLICY No. 5 of 2009  
REGARDING ARCHITECTURAL CONTROL COMMITTEE GUIDELINES**

This Resolution is adopted by the Executive Board of the New Dawn II Homeowners' Association on the 2<sup>nd</sup> day of September, 2009, effective immediately.

**Recitals**

The background of this Resolution is as follows:

- R.1. The New Dawn II Homeowners' Association (the "**Association**") is responsible for governance and maintenance of the New Dawn II Planned Community (the "**Community**").
- R.2. The Association exists pursuant to the Pennsylvania Uniform Planned Community Act (the "**Act**"), and the Declaration of Rights, Covenants, Easements, Conditions and Restrictions, dated March 2, 1995 and recorded in the Recorder of Deeds Office of Dauphin County, Pennsylvania on March 7, 1995 in Record Book 2373, page 483, as amended by the Amended and Restated Declaration of Rights, Covenants, Easements, Conditions and Restrictions, dated May 7, 1995 and recorded on June 14, 1995 in the Recorder of Deeds Office of Dauphin County, Pennsylvania in Record Book 2424, page 496 (as amended, the "**Declaration**").
- R.3. The Association, acting through its duly elected Executive Board (the "**Board**") is authorized to adopt and enforce reasonable rules and regulations in the best interests of the Community, pursuant to Section 5302(a) of the Act, Sections 7.4(d) and 7.5 of the Declaration, and Article VII, Section 7.12(n) of the Bylaws of the Association.
- R.4. The Board is authorized, pursuant to Article VI, Section 6.2 of the Declaration to appoint members to an Architectural Control Committee (the "**ACC**").
- R.5. The ACC is authorized, pursuant to Article VI, Section 6.2 (c) of the Declaration, to adopt Committee rules to assist in the purposes of the ACC.
- R.6. The Board desires to appoint members to the ACC and adopt guidelines to serve the purposes set forth above.

NOW, THEREFORE, the Board of the Association hereby forms the Association's Architectural Control Committee by the appointment of the members thereof and adopts the following Architectural Rules and Regulations for the Community, which shall be binding upon all Lot Owners and their grantees, lessees, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess an interest in the Community, and which shall supersede any previously adopted rules on the same subject matter.

## **I. Architectural Control Committee.**

1. **Members of the Committee.** The members of the Board shall constitute the members of the ACC unless other individuals are appointed by the Board.
2. The ACC is hereby vested with the power to review plans and specifications submitted by any Owner in the Community for the purpose of considering and acting upon any and all proposals or plans submitted pursuant to the provisions of Article VI, Sections 6.1(c), (e), or (p) of the Declaration. A majority vote of the members of the ACC shall constitute the action of the ACC. For each application, the ACC may:
  - a. Approve the application as submitted;
  - b. Deny the application as submitted; or
  - c. Approve the application subject to such conditions as the ACC deems to be appropriate if the applicant agrees to such conditions; provided however, that if the applicant does not so agree, the application shall be deemed denied.

## **II. Review Criteria.**

1. The ACC shall evaluate each application on the individual merits of each application. In its review and recommendation to the Board, the ACC may consider any of the following factors as the ACC deems to be relevant to the application:
  - a. **Validity of Concept:** The basic idea of the exterior change must be sound and appropriate to its surroundings.
  - b. **Landscape and Environment:** The exterior change must not unnecessarily destroy or blight the natural landscape or the achieved man made environment.
  - c. **Relationship of Structures and Adjoining Property:** The proposed change should relate harmoniously among its surroundings and to existing buildings and terrain that have a visual relationship to the change.
  - d. **Protection of Neighbors:** The interests of neighboring Lot owners should be protected by making provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and other aspects of design which may have substantial effects on neighboring property. The ACC should consider the various and appropriate criteria

and exercise discretion in determining which of these criteria will be governing in each specific application.

- e. Design Compatibility: The proposed change must be compatible with the design characteristics of the applicant's Lot and with the general setting.
- f. Materials: Continuity is established by the use of the same or compatible materials throughout the Association.
- g. Color: Color should be selected to match or blend in with the surrounding natural environment or to be in continuity with the existing dwelling Lot.
- h. Workmanship: The quality of work must be equal to or better than that of any existing structures. Poor practices may cause the owner problems and may be visually objectionable to others.
- i. Timing: A property change may be built or installed by the owners or a qualified contractor. However, projects that remain uncompleted for a long period of time are visually objectionable and can be a nuisance and safety hazard for neighbors and the community. All applications must contain a proposed maximum time period from start to completion of construction. If the proposed time period is considered unreasonable, the ACC may disapprove the application. As a general rule, minor additions should be able to be completed within 30 days whereas more labor intensive additions may take up to 90 days.
- j. Compliance, as applicable, with the following policies and specifications, or their replacements (each of which is attached hereto as an Exhibit to this Resolution and incorporated herein by reference as if set forth in full):
  - i. Fence Policy.
  - ii. Storm Door Installation Policy.
  - iii. Awning Policy.
  - iv. Miscellaneous Use Policy.
- k. Such other policies or specifications as shall be adopted by the Board from time to time.

**III. Design Application Review Procedures.** The ACC shall consider each application only if it is complete and submitted on the Request for Review Form that is attached hereto. Any applications that are not properly submitted shall be returned to the applicant for completion and the same shall constitute a denial of the application as submitted. Any resubmissions shall constitute a new

application. All completed applications shall be acted upon within forty-five (45) calendar days of submission and the determination shall be mailed to the applicant within such forty-five (45) day time period. All applications shall include a plan showing the specifications of the alteration, modification or improvement proposed to be made, along with any and all specifications, including, without limitation, the type of materials, size, height, color, location, etc., and must provide a sketch of the location of a building and all other currently existing improvements on the Lot. The Request for Review Form shall be delivered or mailed to the ACC at:

New Dawn Homeowners Association  
P.O. Box 233  
Hummelstown, PA 17033

**IV. Fines and Penalties.**

Any violations of this policy will result in a fine ranging from \$100-\$500. Depending upon the nature of the violation, daily fines of \$25 may apply.

**NEW DAWN II HOMEOWNERS' ASSOCIATION  
ARCHITECTURAL CONTROL COMMITTEE - REQUEST FOR REVIEW FORM**

**I. General Information:**

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: (Daytime) \_\_\_\_\_ (Evening) \_\_\_\_\_

**II. Details of Requested Improvement, change, alteration, addition or repair  
(information may be provided on attached sheets, drawings or plans):**

Nature of Project: \_\_\_\_\_  
\_\_\_\_\_

Materials to be used: \_\_\_\_\_  
\_\_\_\_\_

Name of Contractor(s) (if known): \_\_\_\_\_  
\_\_\_\_\_

Expected start and completion dates: \_\_\_\_\_  
\_\_\_\_\_

Request for variance from provision of Declaration, Bylaw or Rules and Regulations of the Association (be specific as to the provision and the reason for the requested variance): \_\_\_\_\_  
\_\_\_\_\_

Other relevant information: \_\_\_\_\_  
\_\_\_\_\_

The undersigned Applicant hereby requests review and consideration of this Application by the ACC. The Applicant hereby agrees to provide the ACC with any additional information requested and which the ACC or the Board (as appropriate) deems necessary to consider this Application. The Applicant further agrees that the time for consideration of this application shall not begin to run until all such requested information has been provided. Applicant agrees to indemnify and hold harmless the ACC, the Board and their respective individual members, directors, officers, managers, attorneys, agents and employees, from any claims, damages, suits, or liability arising from the work to be done pursuant to this Request.

\_\_\_\_\_  
Signature of Lot Owner(s)

\_\_\_\_\_  
Date

**INSTRUCTIONS:**

1. Please complete this Request form in its entirety.
2. Attach copies of all plans, specifications, drawings, diagrams and municipal approvals, where applicable.
3. Prepare a sketch and/or a written description of the proposed improvement or change in sufficient detail so that the Architectural Control Committee can make a recommendation.
4. Include a site plan showing the location and other structures indicating where on the property the improvement is to be located. Include colors (samples appreciated) if siding or roofing is affected.

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**For Association Use Only:**

Date Request Received: \_\_\_\_\_

45 days after submission: \_\_\_\_\_

ACC Decision:

Approved as submitted: \_\_\_\_\_

Denied as submitted: \_\_\_\_\_

Approved with the following conditions: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant hereby accepts the above conditions.

\_\_\_\_\_  
Signature of Lot Owner(s)

\_\_\_\_\_  
Date

## FENCE POLICY

In accordance with the DECLARATION, Article VI, 6.1 (c) "A Lot Owner may, at its sole cost and expenses, erect a fence in the rear yard of such Owner's Lot, subject to the prior approval of the Association as to the type and confirmation of the boundaries of such rear yard by a licensed surveyor. In the event a Lot Owner erects a fence, the Association shall no longer be obligated to maintain the landscaping or cut grass in the rear yard."

Therefore, Association policy regarding fence approval is as follows:

1. All fences must have prior approval of the Association Architectural Committee and/ or the Board. No fence is to be erected without such approval.
2. Fences of the Owner's entire back property are discouraged. Should an Owner wish to fence the entire back yard, the request submitted to the Architectural Committee and/ or Board must be accompanied by 1. The confirmation survey of such rear yard by a licensed surveyor, and 2. A permit to erect such a fence issued by Susquehanna Township.
3. Requests to enclose the patio and any mulched area need not be accompanied by a survey and permit.
4. All fences will be only white acrylic in the style of that erected by the builder in New Dawn III, and four (4) feet in height.
5. The provisions of the Declaration stated above will be enforced.
6. Owner's of fenced property are required to permit access to the Association for any means stated in the Declaration and By-laws, and for painting, roofing, and siding repair and replacement.

**NEW DAWN II HOMEOWNERS ASSOCIATION**

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***P.O. Box 233***

***Hummelstown, PA 17036***

**STORM DOOR INSTALLATION GUIDELINES:**

Doors are permitted as long as they are at least 70% clear glass (or screen), FULL VIEW, and they are “white/ white” in color. Off white or cream color is not acceptable. This is the same guideline for the back door. Colored Glass is not acceptable.

It is important to understand that any maintenance and repair of the doors are the homeowner's responsibility. Any damage, repair or maintenance to any part of the structure caused by the doors or the installation is the responsibility of the current or future owners of that townhome.



***New Dawn II Homeowner's Association***

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***P.O. BOX 233***

***HUMMELSTOWN, PA 17036***

***Phone: 717-541-8417***

**AWNING POLICY**

1. The awnings must be retractable either manually or motorized.
2. Material must be of strong water repellent fabric.
3. Hardware must be white extruded aluminum.
4. Colors of fabric are limited to light blue, light gray, light brown, and cream/ beige.
5. Awnings are restricted to the Patio Doors only.

It is important to understand that any maintenance and repair of this item is your responsibility. Any damage, repair or maintenance to the vinyl siding, roof, windows, doors, or any part of the housing structure, caused by the awning or the installation is the responsibility of the current and future owners.

**RESOLUTION OF THE EXECUTIVE BOARD OF  
NEW DAWN II HOMEOWNERS' ASSOCIATION  
ADOPTING POLICY No. 3 of 2009  
REGARDING MISCELLANEOUS USES IN THE COMMUNITY**

This Resolution is adopted by the Executive Board of the New Dawn II Homeowners' Association on the 2<sup>nd</sup> day of September, 2009, effective immediately.

**Recitals**

The background of this Resolution is as follows:

- R.1. The New Dawn II Homeowners' Association (the "**Association**") is responsible for governance and maintenance of the New Dawn II Planned Community (the "**Community**").
- R.2. The Association exists pursuant to the Pennsylvania Uniform Planned Community Act, 68 Pa.C.S.A. §§5101 – 5414 (the "**Act**"), and the Declaration of Rights, Covenants, Easements, Conditions and Restrictions, dated March 2, 1995 and recorded in the Recorder of Deeds Office of Dauphin County, Pennsylvania on March 7, 1995 in Record Book 2373, page 483, as amended by the Amended and Restated Declaration of Rights, Covenants, Easements, Conditions and Restrictions, dated May 7, 1995 and recorded on June 14, 1995 in the Recorder of Deeds Office of Dauphin County, Pennsylvania in Record Book 2424, page 496 (as amended, the "**Declaration**").
- R.3. The Association, acting through its duly elected Executive Board (the "**Board**") is authorized to adopt and enforce reasonable rules and regulations in the best interests of the Community, pursuant to Section 5302(a) of the Act, Sections 7.5 and 7.4(d) of the Declaration, and Article VII, Section 7.12(n) of the Bylaws of the Association.
- R.4. The Association desires and intends to adopt reasonable restrictions governing certain uses within the Community and to establish a fine schedule, as more specifically set forth herein.

NOW THEREFORE, the Board hereby adopts the following restrictions and regulations for the Community (hereinafter referred to as the "**Rules and Regulations**"), which shall be binding upon all Owners and their grantees, lessees, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess an interest in the Community, and which shall supersede any previously adopted rules on the same subject matter.

**I. Automobiles, Trailers, Trucks, Vans, Motorized Vehicles and Parking**

- a. All vehicles shall be parked within the streets or completely within the applicable Lot Owner's driveway and shall not block any sidewalk or any Common Area within the Community.
- b. All street parking shall comply with parking regulations adopted by the Commonwealth of Pennsylvania and Susquehanna Township relative to stop signs, intersections, fireplugs and similar traffic control signs and safety devices, which regulations are

incorporated herein by reference as if set forth in full.

- c. The Board shall have the power and authority to enforce the nature of such regulations pursuant to the Board's enforcement policy as if such regulations were independently and individually adopted by the Board.

## **II. Noxious or offensive activities**

- a. For purposes of Article VI, Section 6.1(h), and without limiting the said definition, the term "noxious or offensive activity" shall include:
  - i. The use of explosives, fireworks or similar devices, dangerous weapons or firearms of any kind within the Community. Use shall include, but not be limited to, discharge of such objects.
  - ii. The brandishing of explosives, dangerous weapons or firearms by any person within the Community regardless of whether the owner or possessor maintains appropriate governmental permits for the same.
  - iii. The use of grills, chimneria, fire pits and similar devices that are located closer than ten (10) feet from any building or closer than five (5) feet from a neighboring property owner's property line. Any use within such restrictions shall also be subject to the following:
    1. any lit devices shall be attended at all times by a responsible individual at least eighteen (18) years of age.
    2. all fires, embers, ashes and other residue shall be fully extinguished before completion of such use.
    3. no hazardous materials shall be burned in such devices.
    4. no materials that cause excessive ashes or materials to become airborne shall be burned in such devices. Only appropriate safe burning materials shall be used.
    5. may not be stored in the lawn.

## **III. Holiday Decorations, Yard Ornaments and Decorations**

- a. Holiday decorations may not be placed outside the home earlier than thirty (30) days before a holiday and must be removed from the outside of the home within 14 days after the date of the holiday.
- b. Yard ornaments must be limited to the mulch area.

## **IV. Pets** – In addition to the restrictions contained in Article VI, Section 6.1(f) of the Declaration, the following shall apply to all pets:

- a. Pets shall at all times be on a leash and under the control of an individual capable of controlling the pet.
- b. All pet waste shall be immediately removed by the pet owner or person then in control of the pet. The waste shall be properly disposed of with the pet owner's trash.
- c. Pet owners shall be fully responsible for all actions of the pet within the Community.
- d. No dangerous animals shall be allowed within the Community.
- e. All pets shall be kept in strict compliance with all Federal, State and local laws, regulations and ordinances.

## **V. Landscaping Lights**– Landscape lights along an individual Lot's walkway are permitted with

the following conditions:

- a. All lights are limited to installation within the mulched areas only.
- b. Color: The light fixtures must be black or of a natural toned metal.
- c. Illumination is restricted to white lighting only.
- d. Height: Fixtures are limited to a maximum of seven inches (7") from the ground to the top of the fixture.
- e. Distance: There must be a minimum of twenty four inches (24") between fixtures.
- f. Voltage: Lights must be low voltage and a maximum of 12 volts.
- g. No lights are permitted that require electrical cords to be buried under mulch or ground.

VI. **Carriage Lights** - Carriage lights between the garages are permitted with the following conditions:

- a. Colors of the light fixtures are restricted to white, black, wrought iron, and brass.
- b. Illumination (bulbs) must be white.
- c. Size: The fixture is limited to a maximum of twenty inches (20") in height with the base limited to maximum dimensions of five inches (5") in width by six inches (6") in length.
- d. Placement. Carriage lights are to only be placed in the center of the brick area between the front door and garage door. If there are two garages, you are permitted to place a light in the center between the two garage doors which are part of your townhouse. You are restricted from installing a light between your garage door and your neighbor's garage door.
- e. Height of Placement: Carriage lights must be installed at the same height of existing carriage lights immediately adjacent. If lights do not exist immediately adjacent use height of existing carriage lights pre-existing throughout community.

VII. **Pools, Ponds, Hot Tubs, Sandboxes, Etc.**

- a. Pursuant to Article VI, Section 6.1(p) of the Declaration, any permanent exterior improvements or structures require prior approval of the Board in accordance with the procedures for architectural control approval.
- b. Such items as kiddie pools, play sets, sandboxes, ponds, and similar items are allowed on a temporary basis pursuant to the following:
  - i. They are to be removed to the patio each evening.
  - ii. The items must be portable such that they can be moved by a single adult individual.
  - iii. The Lot Owner is responsible for all materials (such as sand) that results from the items, regardless of where it is located.
  - iv. No items may be located on any of the Common Areas.
  - v. Lot owner is responsible for restoration of lawn and/or landscaping resulting from the use of such items.

VIII. **Signs**

- a. Only one "for sale" sign shall be allowed on a Lot during the process that a Lot is in the process of being sold. The sign shall be immediately removed upon the closing on the transfer of a Lot to a new Owner.
- b. Political signs are permitted but limited to one political sign measuring no more than 324

square inches and shall be permitted only from four weeks before an election day and must be removed within three days after an election day.

- c. Yard/Garage sale signs are permitted but shall be placed only on the Lot Owner's lot (i.e. such signs are not permitted in the Common Area) and shall be placed no earlier than one week before the sale and shall be removed within 24 hours of the end of the sale.
- d. No profane, insulting, or offensive language may be included on any signs.
- e. Other signs may be permitted upon receiving prior approval of the Board, which shall consider such other signs on a case-by-case, but non-discriminatory basis.

#### **IX. Sidewalks and Pathways/Snow and Ice Removal**

- a. No Lot Owner shall obstruct the sidewalks or pathways within the Community, regardless of whether the sidewalk or pathway is located on a Lot or in a Common Area.
- b. Snow removal service is provided after two (2) inches or more of snow has accumulated. Removal efforts will commence AFTER the snow has stopped.
- c. Lot Owners who do not remove their vehicles from driveways and parking areas when snow removal efforts commence forfeit having those areas cleared.
- d. The Association will not remove snow that has blown back onto the sidewalks, pathways or driveways after the contractor has completed their services.
- e. The Association will not replot the driveways if the township plows snow in front of the driveway after contractor has completed his efforts.
- f. The Lot Owners are responsible for chipping ice from pathways, driveways, roofs and gutters.
- g. The Lot Owners shall be responsible for any damage to sidewalk or pathway resulting from the use of salt or any material that may damage the sidewalks.
- h. Driveways shall be plowed by the Association only within a reasonable time after a snow event resulting in accumulation of two inches or more and only if the driveway is clear of vehicles or anything else that may obstruct a snow plow. The Association shall not have the responsibility of plowing any driveway that is obstructed at the time driveway plowing occurs. That is, the Association may provide for driveway snow removal only at one time after a snow event.

#### **X. Trash Removal**

- a. All trash and recycling receptacles shall be placed at the curb of the Lot and removed consistent with Township Ordinances.
- b. Each Lot Owner shall ensure that the trash and receptacles are secure from invasion by animals, are fully secured against weather events, and are fully in compliance with all Township rules and ordinances.
- c. Each Lot Owner is responsible for picking up any trash which may become unsecured.

**XI. Fines** – The following is the basic fine schedule for violating any provisions of this miscellaneous use policy and are in addition to any fines which can be imposed by any governmental entity or court of competent jurisdiction. However, the Board shall have reasonable discretion to modify or alter the fine for any violation based on special circumstances as determined by the Board.

## MISCELLANEOUS USES POLICY FINE SCHEDULE

Section I _____	Initial fine \$25
_____	\$10/day each day thereafter
Section II(a)(i) and (ii) _____	\$50-\$100 per occurrence
II(a)(iii) _____	Initial fine \$50
_____	\$10/day each day thereafter
Section III _____	Initial fine \$25
_____	\$10/day each day thereafter
Section IV _____	First offense \$100
_____	Subsequent offense fines shall increase
_____	in \$50 increments per occurrence
Section V _____	Initial fine \$25
_____	\$10/day each day thereafter
Section VI _____	Initial fine \$25
_____	\$10/day each day thereafter
Section VII _____	Initial fine \$25
_____	\$10/day each day thereafter
Section VIII _____	Initial fine \$25
_____	\$10/day each day thereafter
Section IX _____	Initial fine \$50
_____	\$10/day each day thereafter
Section X _____	\$ 10 day

### XII. **Severability**

- a. If any provision of these Rules is found by a court of competent jurisdiction to be invalid, the remainder of these Rules shall remain in full force and effect.