



RHODO MOUNTAIN ESTATES HOMEOWNERS ASSOCIATION

RULES AND REGULATIONS OF THE ARCHITECTURAL CONTROL COMMITTEE OF RHODO MOUNTAIN ESTATES HOMEOWNERS ASSOCIATION

Property Owners are responsible for any and all fines, violations, etc. which may be incurred by their contractors, sub-contractors, etc.

All new applications submitted for consideration after the adopted and approved date below must abide by the revised rules and regulations.

No building, excavation, exterior remodeling, alteration of any structure, fence or additional structure shall commence without first obtaining written approval by the Architectural Control Committee (ACC), as evidenced by a PERMIT, as to location, elevation above existing grade, additional grading proposed, setbacks from property lines, consistency of external design with surroundings and conformation to Township and other building codes.

Revision Approved and Adopted By Rhodo Mountain Estates Homeowners Association Board of Directors July 2008.

Effective for all permits submitted after July 31, 2008

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I. INTRODUCTION

All property owners benefit from the planning and design that have been an important part of the development of Rhodo Mountain Estates (RME).

The intent of the Covenants is to ensure property owners that certain standards of construction design and quality will be uniformly maintained throughout the subdivision. This preserves property values, enhances the community's overall environment, and protects adjoining property owners from damage due to unregulated construction.

No provisions of these rules of the Covenants shall be construed so as to conflict with any Pennsylvania or other applicable Municipal or Environmental Laws, Rules or Regulations. The requirements of these regulations or the Covenants may be more restrictive than those of any municipal law, rule or regulation. When the requirements of this code extend beyond those of the State Laws, this code shall prevail.

All property within the subdivision is subject to certain Protective Covenants. These Covenants are a binding agreement between the property owners and the Association limiting use and construction on the property.

Every property owner should have received a copy of the Protective Covenants when the land was purchased in Rhodo Mountain Estates. However, sometimes this information was passed over or not carefully read by the property owner. Since the Covenants "run with the land" they are binding on all property owners and should be fully understood.

These controls are broad-based and address buildings and improvements for which property owners MUST submit applications to the Architectural Control Committee (ACC) for approval before any work commences.

These Rules are established in the Protective Covenants that are part of your Deed, and therefore, are enforceable.

The Covenants for Architectural Control provide as follows:

Each property owner is a member of the Association, which has adopted these rules and regulations to enforce the covenants and to meet other Association needs.

The rules and regulations may be amended. It is anticipated that the changes will be primarily additive and will not involve substantive changes of existing rules and regulations. These too, however, may be amended to reflect changed conditions or technology.

The A.C.C. will conduct a yearly evaluation of the rules and regulations to determine if amendments are required. Owners should also submit to the Association requests for additions or changes to the rules and regulations. These controls are broad-based and address buildings and improvements for which property owners MUST submit applications to the Architectural Control Committee for approval before any work commences.

Section I. Review by Committee. No building, excavating, exterior remodeling or altering of any structure, wall or fence shall be commenced without obtaining written approval by an Architectural Committee composed of three (3) or more representatives appointed by the Board of Directors of the Association as to the location, elevation, set back from property lines, and consistency of external design with existing structures.

Section II. Submission of Plans. Plans drawn to scale showing interior and exterior elevations, exterior materials, color selections and landscaping plans must be presented to the Committee for their approval. These plans shall also include a lot plan (to scale) showing the location of the structure on the lot along with a legend depicting what scale is. The Committee shall approve or disapprove the same plan within forty-five (45) days after the plan has been submitted. The Committee shall have the right to disapprove any plans, specifications or details submitted to it in the event the same are not in accordance with all of the provisions of these covenants or the rules and regulations promulgated by the Association.

Section III. Maximum Building Coverage. The Architectural Control Committee has enacted a maximum building coverage for any given lot. All permanent structures (i.e. house, shed, garage, driveway, pool, etc.) are only allowed to cover 25% of the entire lot. For example: If your lot is 20,000 sq ft. than your structures are allowed to cover 5,000 sq ft.

Section IV. Construction Time. Once construction of a building or any other structure commences upon any lot, the said structure shall be under roof after one (1) year and all exterior grading and planning completed two (2) years from the date of commencement of said construction.

II. APPLICATION FOR A.C.C. APPROVAL OF PERMITS

Before submitting an application to the A.C.C., valid Zoning, Building, Septic System Permits & Percolation Tests must be issued for the lot by Penn Forest Township (when applicable).

At the discretion of the A.C.C., it may further direct an applicant to obtain certification from a registered engineer or qualified soil analyst that the proposed building or other construction will not disrupt any wetland area. When completing a PADEP 4-Year Fill plan, the property owner must submit a copy to the A.C.C. of all required documents that are submitted to Penn Forest Township.

It is not necessary to obtain an A.C.C. Permit before a percolation test. All test pits must be filled in after 15 days of completion of the percolation test. However, all other excavation, including septic system installation, requires a permit. No building, excavation, exterior remodeling, structural alterations, wall or fence erection shall be commenced until the A.C.C. has issued a written permit for the proposed site activity.

No permit application will be considered for any person who is not a member in good standing with the Association, nor will any permit application be considered with respect to any property where continuing violation of the Protective Covenants or Association By-laws and Rules and Regulations exist, unless such permit is for work to remedy said violation.

A driveway access culvert pipe must be installed prior to any site work. Silt fencing must be installed prior to any excavation and must remain in place until the certificate of occupancy is obtained.

A.C.C. Fee Schedule

(Permits are required to be submitted even if no charge)

New Construction	\$500.00
Additions	\$100.00
Garages	\$100.00
Sheds (over 400 sq ft)	\$100.00
Sheds (0 sq ft - 399 sq ft)	\$ 25.00
Decks	\$ 50.00
Porches	\$ 50.00
Pools / Outdoor Spas	\$ 50.00
Siding	\$ 25.00
Fencing	\$ 25.00
Windows -Replacements	no charge
Windows - Changes in Size	no charge
Repairs to the Septic	no charge
Outdoor lighting	no charge
Tree Removals	no charge
Paint / Stain	no charge
Roof	no charge
Decks (Board for Board)	no charge

The appropriate fee shall be submitted along with the application. In the event of denial by the Architectural Control Committee of the application, the fee shall be refunded when the property owner submits in writing that they are not going to pursue with construction. Otherwise, the fee is non-refundable after issuance of the permit.

When an applicant fails to complete the work subject to a permit as required by these rules, the A.C.C. shall give the Property Owner written notice of the violations and fifteen (15) days to correct it. If the violation continues after expiration of the fifteen (15) day period, a \$50.00 penalty may be imposed. The Property Owner will be responsible for any fines, judgments, liens etc. assessed in an effort to rectify the violation or pursue its remedies.

B. Application Procedure.

1 Application forms for A.C.C. Permits may be obtained by contacting RMEHA. When completed, applications must be delivered to RMEHA. The filing date for applications will be the date the application is actually received by the A.C.C. with all of the appropriate forms and fees.

D. Denial of Permit Applications/Appeals

When an application is denied, the property owner shall receive written notice of denial within 10 days after the meeting. The property owner then shall have the right to have an in-person appeal with the ACC committee. If the request / permit are still denied, the property owner shall have the right to appeal to the Association's Board of Directors within seven (7) days after written notice of denial is issued by the A.C.C. The A.C.C. notice shall set forth the reason(s) for denial of the permit.

The Board of Directors decision shall be made by majority vote of a quorum of the Board. A quorum shall exist when 2/3 of the Board are present at the appeal.

The appeal shall be made by submitting a written request to the Association office for review by the Board. The written request shall state the reason(s) why the property owner disagrees with the A.C.C. decision and any other information the property owner deems pertinent to the appeal.

The Board of Directors will consider the appeal at its next regularly scheduled Executive Session. The Board shall make its decision at the Executive Session provided a quorum of the Board is present. If a quorum is not present, the appeal shall be adjourned and considered at the first available Executive Session at which a quorum of the Board is present.

The Board of Directors shall notify the property owner, in writing, thereafter. All decisions of the Board are final.

III. PROCEDURES UPON APPROVAL OF APPLICATION

- 1 When the A.C.C. has issued a permit, the property owner shall post the permit and new 911 house number at a prominent and accessible location on the property. The permit shall be covered with plastic and shall remain in place until a certificate of completion is issued by the A.C.C.
- 2 In order to ensure compliance with the conditions of the permit, the property owner or a designated agent of the property owner shall notify the Association to conduct inspections of the work in accordance with the schedule attached as Appendix A. Any deviation from the approved plan or other violation of the Covenants and Rules found by the Association shall result in the issuance of a "Stop Work Order". The A.C.C. will not issue a Certificate of Completion until all violations are corrected. No change, alteration, or other modification of the plan as approved may be made until the change is approved in writing by the A.C.C. All requests for modifications shall be made in writing to the A.C.C., which shall make a written decision within three (3) working days thereafter. The A.C.C. decision thereon shall be final.
3. When all conditions of the permit have been met, the A.C.C. will issue a Certificate of Completion. Issuance of a Certificate of Completion does not constitute a waiver or act as an estoppel against the Association's right to bring any enforcement or action for violation of the Covenants or Rules and Regulations unless all current members of the Board of Directors have actual knowledge of the violation at the time of the issuance of the Certificate.

1. **Setbacks**

Setbacks in Section 1 through 6 for all dwelling structures, garages, sheds and other buildings shall not be less than 50 feet from the front property line iron pins. Rear yard setback shall not be less than 20 feet for dwellings and outbuildings in all sections. Side yard setback requirements for all structures shall be 20 feet on each side. In the case of a corner lot, the side yard which abuts a street shall not be less than 20 feet. A setback is the shortest distance between a lot line between the iron pins and a building line.

2. **Pools**

No in-ground pools are permitted. Above-ground pools and temporary inflatable pools are permitted provided they meet **all** of the guidelines listed below:

The following Rules & Regulations apply to the construction of above-ground pools as set forth by the Architectural Control Committee and approved by the Board of Directors:

- a. Property owner must dismantle and remove pool from the premises upon sale or rental of home; or the new owner must apply for a continuance of the pool permit.
- b. Setbacks as follows:
 - Pool must be behind the house.
 - Pool must be at least 20 feet from side property line.
 - Pool must be at least 25 feet from rear property line.
- c. Pool must have fencing as per all applicable municipal and state law. If the pool does not have an accessory fence, chain link or lattice fence is permissible. Fencing which, if finished on one side only, must be constructed with the finished side facing out.
- d. Property owner must apply for a permit with Penn Forest Township (**for building and zoning permits**) and Rhodo Mountain Estates. Application for permit with Rhodo Mountain Estates must include the Township permits, appropriate A.C.C. fee and a plot plan.
- e. Plot plan must reflect the size of the pool, distance from all property lines, and height of fence and location of locked gate. Plot plan must be to scale.
- f. A final inspection must be requested upon completion of pool installation.
- g. Property owner(s) must obtain and complete a RMEHA Pool Rules & Regulations form.

3. Hot Tubs / Spas

Hot Tubs or Spa's, if installed on the exterior of a home and exceed eight (8) feet in diameter and/or three (3) feet in height, are subject to the Rules & Regulations set forth for pools.

All Hot Tubs and Spa's must have a securable, lockable cover.

Hot Tubs and Spa's which do not exceed eight (8) feet in diameter and/or three (3) feet in height will be reviewed on an individual basis by the A.C.C.

Should the A.C.C. determine the need for any rules in connection with the installation of said Hot Tub or Spa, they will inform the property owner of such.

4. Patios, Balconies and Decks

Application must include Township Building Permit and Zoning Application.

- a. Board for board deck maintenance is no change in size; a permit is required but there is no charge.
- b. Any deck expansion or extension of an existing deck or new addition of a deck will require an ACC permit and a township permit; there is a charge.
- c. Patios and decks provide a means for ground level extensions of indoor space with less visual impact than elevated decks or balconies. When patio schemes include other exterior items such as fencing, decking, lighting, plantings etc., the other appropriate sections of these rules should be referred to as applicable.
- d. Patios, balconies and decks must be constructed of natural weathering materials such as brick, wood, stone, concrete, and pre-fabricated decking material. Wood must match the trim or dominant color of the dwelling.
- e. If installation of the patio, balcony, and deck or like structure will result in an alteration of the existing property grade, the change must be shown on the application for permit. No application will be approved respecting any patio, balcony, deck, or like structure which will adversely affect existing drainage patterns to the extent that adjoining properties are adversely affected thereby.
- f. A roof extension needs a permit and is considered an addition.

5. Septic Systems, surface water run-off and water supply

- a. **Septic** - All test pits required for soil evaluation tests on lots must be covered immediately following the test, and the lot owner should take all precautions necessary to prevent accidents from open pits. If pits are not covered within thirty (30) days of the test, and the A.C.C. has actual knowledge that the pit continues to be exposed, the Association may direct its Contractor to cover the pit and the property owner shall be responsible for costs.

Lacking specific Township regulation at this time on septic cleaning, it is strongly recommended that septic systems be pumped and cleaned once every three years. Upon completion, the home owner is requested to submit verification to RMEHA.

- b. **Surface water** -All property owners should be mindful that the Federal Government, State and Local authorities strictly control the alteration of wetlands and free-flowing streams, springs and other natural water courses and should not under-take any alterations without ascertaining that it will not violate any such law.

The A.C.C. expresses no opinion on the legality of any such alteration and only considers such proposals to the extent that they affect the interests of the community. **The owner is strongly cautioned not to consider undertaking any modifications of wetlands or water courses without obtaining all necessary governmental approvals**, further suggesting that any alteration not impact any water course outside of the boundary of the property.

During construction, each property owner shall be responsible for minimizing the areas of exposed bare ground subject to erosion by rainfall in order to prevent sediment from entering natural water courses and/or roadside drainage ditches.

- c. **Culvert Pipes:** May be required as a condition of permit approval that road frontage include approved corrugated plastic drainage culvert pipes not less than 15 inches in diameter to be installed under driveways.

Additionally, it shall be a continuing condition of all permits that, in the event it is determined at any time before or after approval of the application for permit that the applicants construction or property alteration results in an adverse effect upon road drainage, the property owner shall correct the situation by making any improvements or modifications required by the ACC.

All Property Owners shall install and maintain ACC specified drainage culvert pipes under their driveway when the Association installs ditches for road drainage at their property at the property owners' expense.

Before the builder applies for a certificate of occupancy and a final inspection with Rhodo Mountain Estates Architectural Control Committee, it is A REQUIREMENT that they call to see if a culvert pipe is required.

6. Garages, Sheds and Other Outbuildings.

Garages and carports should blend appropriately with the house. Roof configurations and ridge lines of outbuildings must conform to those of the dwelling. Attached garages must conform to Penn Forest Township code. No temporary carports are permitted. There will be no variances for garages and sheds.

Attached garages with rooms above are considered additions. Detached garages shall have no living quarters; and shall be used for storage purposes only.

Well designed and located storage sheds are encouraged by the Association because they can enhance individual property by concealing tools, trash cans, bicycles, etc. Applications for sheds may require Township Building Permit and Zoning Application/Permit. Sheds must be located in the rear yards and should not obstruct the views of adjoining property owners.

The ACC may require additional landscaping to lessen the visual impact of the shed. Siding, dominant colors and construction details such as trim and roof pitch should match or be compatible with the house in the judgment of the ACC. Any shed over 400 square feet will be classified as a garage.

7. Fences

Boundary line fencing must be split rail fence and can not exceed 4' 6" feet in height. No other boundary line fencing is permitted.

All applications for fence installation must show the exact location of the fence and must show area or sections to be enclosed, fence style, material and color.

Chain link fencing used for area or section fencing is not acceptable.

Any other fencing must have variance approval from the ACC committee prior to commencing. Pool fencing is addressed under the pool requirements, and is further dictated by state and local law.

8. Dog Runs

Dog runs must not exceed 8' high and no more than 20' long and not visible from the road.

9. Signs

During construction, a property owner may permit the builder to erect one sign per house, no larger than 2'x 3', unilluminated. This time frame commences upon receipt of Permit. No other commercial or private signs are permitted.

After construction, a property owner may permit the builder to keep their advertising sign there for 30 days after receiving a final inspection by the A.C.C committee. The responsibility falls on the property owner and the contractor to remove the sign appropriately. Fines may be applied to both parties in the amount of \$50.00 for the first offense, and an additional \$50.00 each occurrence there after. If after receiving the 1st offense the sign is not removed within 10 days, RMEHA will remove the sign and the costs will be submitted to the contractor for the removal of the sign.

In addition to this penalty, any habitual offenders will have the ability to have signs on the construction sites revoked.

All property owners shall display their 911 house number sign, plainly visible from the street, identifying their 911 house number where applicable. This sign shall be no more than two (2) feet square and may also contain the property owners name and the name of their residence, if any.

10. Other Requirements

Property Owners are responsible for any and all fines, violations, etc. which may be incurred by their contractors, sub-contractors, etc.

- a. **Certificate of Insurance** -In the event a Certificate of Insurance expires prior to construction being completed, a Stop Work Order with an initial fine of \$100 may be issued. Construction may only commence when a current certificate of insurance is received by the ACC.
- b. **Burning and burying of debris at job sites is ABSOLUTELY PROHIBITED.** -Trash must be removed from the site and disposed of outside Rhodo Mountain Estates. Per the Rules of Conduct: No permits will be issued to contractors to burn ANY building debris, trash, brush, etc. at any time. Contractors must remove and dump, at their own disposal site, NOT IN Rhodo Mountain Estates HA development. Violation of this regulation will result in a fine of \$100.00 + Costs for the first offense, \$250.00 + Costs for the second offense and \$500 + Costs for all subsequent violations.
- c. **Trees** -No live trees of more than six (6) inches in diameter may be cut down without A.C.C. approval. All trees must be cut to ground level and/or stump removed. Property must be cleared of debris and including stumps within 10 days of completion. ACC tree removal application is required. In addition to application a plot plan should delineate the area where the trees are to be removed.
- d. **Trash** -All job sites are required to maintain a dumpster during construction. It must be in place as soon as roof is framed, before shingles and siding begins. In the event of non-removal, the Association will, after notice, remove the trash and charge the cost against the property owner. In the event debris has been buried, a three hundred (\$300) dollar fine shall be paid to the Association and the property owner shall remove the debris and replace it with clean fill.

The job site must be cleaned of debris, rubbish and stumps. All trash/garbage MUST be removed from the exterior of the house and grounds. Improper disposal of trash, brush or any other material may be subject to a fine of up to \$300.00 + Costs.

Property Owners that are doing repairs to their home that require a dumpster or a POD need to fill out a temporary permit with RMEHA. There is no charge for the temporary permit, but failure to do so may result in a fine of \$100.00
- e. **Road Damage** -The property owner shall be responsible for the cost of repair for any damage done to the Association roads or facilities from the use of heavy equipment at a building site by their contractor, sub-contractor, etc.
- f. **Construction Time** -Contractor and subcontractors may not begin work prior to 8:00 a.m. and must cease at 6:00 p.m. Monday through Saturday. No Sunday hours are permitted.
- g. **Silt Fencing** -Must be installed and remain in place until a certificate of occupancy is obtained, or as per municipal and County Conservation District requirements.

- i. **Portable Toilets** -All job sites are required to maintain a portable toilet after excavating is complete and must be a minimum of 15 feet from the road.

V. STOP WORK ORDERS / NON-COMPLIANCE

Whenever it is determined that site work is being performed in violation of the Protective Covenants or Rules, the ACC will issue a Stop Work Order with an initial fine of \$100 plus costs. If, after written notice of the Stop Work Order, the property owner fails to correct the condition resulting in the Order within 10 days from notification; the ACC permit shall be deemed revoked. Additionally, if work is continued on site after notice of a Stop Work Order, the permit shall be deemed revoked.

Whenever it is determined that site work has been performed (and is completed) in violation of the Protective Covenants or Rules, the ACC will issue a Non-Compliance with an initial fine of \$100. If, after written notice of the Non-Compliance, the property owner fails to correct the condition resulting in the Non-Compliance within sixty days, a second offense will result and the owner shall incur a fine of \$200 per day until the condition is corrected.

The property owner may appeal the issuance of a Stop Work Order or Non-Compliance in the same manner as an appeal from denial of a permit. However, the pending of an upcoming appeal will not stay the effect of the Stop Work Order and the property owner is bound to obey the Order pending the appeal.

VI. ACC EXTENSION FEE

In the event construction is not under roof within one (1) year or can not be completed two (2) years from date of commencement, a written request for an extension must be submitted to the ACC outlining the status of construction, reason for the request, and specifying the length of time required to complete construction.

Upon review of the extension request, the ACC will advise, in writing, whether or not the extension has been approved. When an extension is approved, an ACC Extension Fee (non-refundable) of \$50 per quarter (3 months) will be required. The ACC will likely not consider any extension requests which exceed one year, unless under cases of hardship, at the discretion of the Board.

Permit Applications

- a Application, every item filled in, signed, or marked not applicable.
- b A minimum of one set of building plans which shall include:
 - Foundation
 - Grade elevation, including height above existing grade, not to exceed 30 feet mid-point of the roof to the finished grade
 - Deck, fences, sheds, detached garage placement(s)
 - in the case of manufactured homes, a specific diagram explaining how the home is attached to the foundation
- c Plot plans showing clearly the following: (to scale where appropriate)
 - Lot dimensions
 - Name of road fronting lot
 - Location of building (with set backs) and driveway location and shape
 - Well location
 - Septic field dimension
- d Septic system design and permit
- e Perc test results
- f Building permit
- g All pages of the zoning permit
- h Swatches defining the house and roof colors
- i Builders' Certificate of Insurance

Permit approval or denial may be picked up by the property owner or builder within forty-five (45) days. If a permit is denied, the reason shall be given, so that the applicant can resubmit in conformance with the rules. An appeal from an ACC decision may be made to the Board of Directors at their next scheduled Executive Session provided a quorum exists. The Board's decision shall be final.

Once construction is started, it must be under roof within one (1) year and completed within two (2) years from that date. The ACC will entertain a request for an extension if reasonable.

A Certificate of Occupancy from Penn Forest Township is required prior to occupancy.

There may be a periodic review by the ACC during construction to ensure conformance to the permit.

Property ownership includes the responsibility for continuing maintenance of all structures and grounds which are a part of the property.

Silt Fencing is required on all job sites until a certificate of occupancy is obtained. Changes in grade are forbidden if such changed cause run-off onto the property of others. This must be immediately corrected.

Where road shoulder drainage ditches are present, **driveways must have a drainage culvert pipe installed of at least 15" in diameter.**

All construction sites are required to have a dumpster and portable toilet on site.

These rules are subject to revision by the Board of Directors.

APPENDIX "A"

INSPECTION SCHEDULE AND REQUIREMENTS

All requests for inspections are to be made to the RMEHA / ACC.

The permit holder **shall notify the ACC committee of all Penn Forest Township inspections**. The committee will then check to make sure an "APPROVED" sticker has been obtained and note our permit accordingly.

Culvert pipe (Minimum 15" must be installed prior to site work).

The last building inspection shall be made after procuring a certificate of occupancy from the Township. RMEHA will then make a Completion inspection. At the Completion inspection, RMEHA will check for:

- a. Driveway completion and proper grading of gravel or stone.
- b. Removal of all stumps, brush and debris. It is forbidden to bury any material on site. It is the property owners' responsibility to see that their builder/contractor adheres to the removal of trash/debris.
- c. All trenches must be filled level to existing grade.
- d. Placement of drain pipes under driveway, when required by the ACC permit. Pipes to be not less than 15" in diameter.