

# MONTPELIER COMMUNITY ASSOCIATION

## Architectural Control and Compliance Committee (“ACCC”) Guidelines

1 March 2016

### **1 Introduction**

The Montpelier Community Association (“MCA”) Board of Trustees has appointed an Architectural Control and Compliance Committee (“ACCC”), also called the ACC Committee, in accordance with Section IV, Article VIII, Section 1 in the MCA Governing Documents. The ACCC consists of not less than three and no more than nine members, all of whom must be MCA members in good standing and a majority of whom shall not be Trustees. The committee members are appointed by the Board and serve at the pleasure of the Board.

The ACCC has prepared the following Guidelines to explain how we plan to “review, investigate, and advise Members with respect to Covenant compliance” as specified by Section IV, Article VIII, Section 8 in the MCA Governing Documents. These Guidelines (adapted from earlier versions dated May 1991, November 1995, August 2002, June 2005, November 2010, December 2012, and December 2013) were approved by the MCA Board of Trustees at its open meeting in May 2016.

We seek to enforce the MCA covenants and bylaws in a consistent and reasonable manner. We will try to ensure that Montpelier continues to be a visually attractive and desirable neighborhood in which to live. Our goal is to preserve property values, community safety, and the quality of life. We believe if we all work together in a neighborly manner, we can maintain the standards that have served the community well for the 50 years of its existence, and thereby ensure that Montpelier will continue to be one of the most desirable communities in the Washington area.

### **2 Responsibilities**

A careful reading of the MCA Covenants and Bylaws shows that the ACCC has two primary responsibilities:

- To adjudicate all requests from Members for changes or architectural alterations to the external appearance of any structure on any lot.
- To investigate and attempt to resolve all written complaints from Members regarding alleged covenant violations.

### **3 Requests for Change**

In carrying out our first responsibility, we adopt the following guidelines taken from Section III, Articles II and III, and Section IV, Article IX in the MCA Governing Documents:

- No structure(s) shall be erected, placed, or permitted to remain on any Lot without prior approval from the ACCC.
- Structure is defined as, but not limited to, Addition, Arbor, Deck, Fence, Garage, Gazebo, Greenhouse, Kennel, Lattice, Pergola, Playhouse, Playset, Porch (Covered or Screened), Privacy Screen, Solarium, Storage Shed, and Trellis.
- No new construction, addition to, or alteration of a dwelling shall be made without prior approval from the ACCC.
- Proceeding without prior approval in any of these cases shall constitute a covenant violation subject to the enforcement procedures outlined below.

Any homeowner who wants to make changes or architectural alterations to the external appearance of any structure on any lot must submit a written request to the ACCC. A form published regularly in the Montpelier Today newsletter can be used for this purpose. The request must include comprehensive drawings or sketches of the proposed changes and signed concurrences from all affected neighbors. The committee will review the proposal and recommend action to be taken, usually at the next monthly ACCC meeting after the request is received. A site inspection may be made, and comments from immediate neighbors may be solicited. In some rare situations, the committee may choose to refer a request to the MCA Board of Trustees for a decision.

### **4 Covenant Violations**

In carrying out our second responsibility, we will concentrate on investigating allegations of covenant violations. We expect that most issues will be corrected voluntarily, as has been the case historically. We seek to apply the same common-sense practical considerations that have been followed by previous Boards and ACC Committees. Of paramount importance to us as we evaluate each situation will be the appearance of the property from the street, the impact on immediate neighbors, and the effect on the overall Montpelier community.

The ACCC will give its highest priority to preventing and correcting the following covenant violations, using the criteria as indicated:

#### **4.1 Unauthorized use of any house other than as a private dwelling for one family.**

According to Prince George's County Code, a "family" can consist of "not more than five (5) individuals..., all or part of whom are unrelated to one another by blood, adoption, or

marriage, and who maintain a common household in a “Dwelling Unit.” By Maryland law, these restrictions do not apply to Group Homes.

#### **4.2 Unauthorized business activities in any home.**

Complaints about businesses being conducted in a home will be evaluated by determining if there is regular visible activity that produces unusual or excessively heavy traffic and that does not fit the character of our residential community. All avenues for stopping ongoing unauthorized business activity will be used including the Prince George’s County Zoning Enforcement Office.

#### **4.3 Unauthorized vehicles, boats, trailers, etc. stored on any lot.**

No passenger vehicles, camping trailers or boats shall be parked on any Lot except in the driveway. We consider it to be a covenant violation to keep any “vehicle” of any type that is incapable of being self-propelled on any lot except in the garage. In this category, we include such “vehicles” as utility trailers, boat trailers, and all other portable structures, whether wheeled or not. . Boats, campers, RVs, and trailers may be temporarily kept in the driveway from April 1 through October 31, but must be removed from November 1 through March 31.

#### **4.4 Unauthorized changes to any dwelling.**

No changes will be allowed that significantly alter the architecture and exterior design of the original dwelling. In particular, the exterior materials and color shall blend harmoniously with neighboring dwellings.

#### **4.5 Unauthorized detached sheds on any lot.**

No detached shed shall be erected or permitted to remain on any lot other than one building not more than 120 square feet in area and 10 feet in height in the rear yard only.

#### **4.6 Unauthorized fences.**

Fences may be erected only in the rear yard and shall not be more than 4 feet in height (6 feet if there is a swimming pool or other special situations where safety, security, protection, and privacy are clearly involved).

#### **4.7 The unacceptable appearance of any lot.**

This includes a visible structure (dwelling, shed, fence, etc.) or a driveway in disrepair, uncut grass, unpruned or fallen trees or shrubs, garbage or debris, and bare or eroded land.

### **5 Covenant Enforcement Procedures**

The ACCC will follow due process as defined in Article X of the bylaws in enforcing all covenants. The step-by-step process that we use is summarized below but you should read the bylaws themselves for the full details,

#### **5.1 Complaints**

The covenant enforcement procedures begin with written complaints from MCA Members. Such complaints that are received by the association are referred to us for action. In addition, at the request of the MCA Board of Trustees, the ACCC conducts surveys of the community to ensure a more uniform enforcement of the covenants. We generate written complaints ourselves for covenant violations identified during the surveys.

##### **5.1.1 Making a complaint**

Any member of the MCA, including ACC committee members, can submit a complaint concerning a possible covenant violation to the ACCC. For the committee to investigate and/or take action, the complaint may be verbal or in writing, via e-mail or documented telephone call, and it must, as a minimum, include the following information:

- The member's name, address, and phone number
- Address of residence with the alleged violation
- Description of alleged violation.

Complaints will be investigated by the ACCC member assigned to the street in question to decide if there appears to be a covenant violation and if a complaint is warranted.

##### **5.1.2 Surveys**

ACCC members survey all of the lots in their assigned sections of the community and write up all apparent covenant violations. These records are considered to be written complaints from MCA members and are handled by the ACCC as such.

The ACCC investigates each complaint to determine if a covenant violation exists. Once the validity of the violation has been established, the homeowner will be contacted

either by telephone, letter, or personal visit by one or more members of the ACCC to discuss possible corrective measures. Hopefully, the issue can be resolved informally in this way. If not, then the following steps will be carried out by the ACCC as necessary in an attempt to correct the violation.

## **5.2 Determination**

If a resolution is not reached informally with both the complainant and the alleged violator, the ACC Committee shall, based on the information available to it at the time, either:

- Dismiss the complaint as being unwarranted
- Find that a covenant violation has occurred and specify corrective action
- Notify the complainant and the alleged violator of the determination in writing.

## **5.3 Demand**

If the violator fails to comply with the determination within (30) days, written demand to cease and desist from the violation shall be served upon the violator specifying:

- the nature of the violation
- the action required to abate the violation
- a time period of not less than ten (10) days, nor more than thirty (30) days during which the violation may be abated without further sanction.

## **5.4 Notice**

If the violation continues past the allowed period, or if the same violation is again determined to occur within a twelve (12) month period, the violator shall be served with a written notice of a hearing to be held by the ACCC. The notice shall contain:

- the nature of the violation
- the time and place of the hearing to be held not less than ten (10) days from the giving of notice
- an invitation to attend the hearing and produce any statement, evidence, and witnesses
- the proposed sanction to be imposed.

## **5.5 Hearing**

The hearing shall be held at an ACCC meeting and shall afford the violator a reasonable opportunity to be heard.

## 5.6 Appeals

Any party may appeal a decision of the ACCC to the MCA Board of Trustees. Through a majority vote, the Board may:

- uphold the decision in its entirety
- amend the decision
- overturn the decision

## 5.7 Sanctions

Sanctions may be in the form of suspension of all privileges to use the Common Area facilities and/or fines. If the imposed fine remains unpaid, it will accrue and become a continuing lien on the Lot/Owner. The following schedule of fines established by the ACCC will be applied on a case-by-case basis for uncorrected violations.

## 5.8 Limitation

A decision by the MCA Board is final. If further action is initiated by the MCA, complainant, or the violator, it will be through legal proceedings in a court of law.

## 5.9 Reports

In all cases, the results of the ACCC's consideration of all requests and complaints, including the rationale and recommendation for any necessary additional action, will be furnished to the Board in writing within a reasonable time, typically 30 days or less.

## 6 Schedule of Fines

In accordance with the bylaws as revised by majority vote at the MCA annual members meeting in 2003, the ACCC will impose fines for covenant violations that are not rectified in the appropriate time frame outlined in the enforcement procedures described above. Egregious and/or repeated violations can result in higher fines and/or legal action at the discretion of the MCA Board of Trustees. All fines (except for the first fine listed below) will accrue until the violation is corrected. The fines that will be imposed for specific violations of the Covenants in Section III of the MCA Governing Documents are as follows:

### 6.1 Failure to comply with Article II, Section 1 and Article III, Section 1.

This is for failure to obtain prior approval for detached Structures and for Exterior Alterations and Additions.

Fine: \$50 to \$1,000 – one time.

## **6.2 Violation of Article II Sections 2 through 8.**

This relates to structures on any Lot.  
Fine: \$50 to \$500 per month.

## **6.3 Violation of Article III, Sections 2 through 4.**

This relates to exterior alterations and additions to the dwelling, garage, or driveway on any Lot.  
Fine: \$50 to \$500 per month.

## **6.4 Violation of Article IV, Sections 1 through 8.**

This relates to uses of any Lot.  
Fine: \$50 to \$500 per month.

Failure to remove boats and trailers from November 1 through March 31  
Fine: \$300 per month.

## **6.5 Violation of Article V, Section 1 through 3.**

This relates to the maintenance of the dwelling, structures, lawn, and driveway of any Lot.  
Fine: \$50 to \$500 per month.

## **7 Closing Statement**

These guidelines are intended to clarify the purpose of the ACCC and show how it will carry out its responsibilities. Please contact any committee member or Board member if you have any questions or concerns about these Guidelines or about any other issues relating to architectural control and compliance in the community.